

PLACE: Department of Health, Office of Vital Statistics, 1217 Pearl St., Boorde Bldg., Rm. 420, Jacksonville, FL 32231-0042
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kevin Wright, Government Analyst, Department of Health, Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042.

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

**Section II
 Proposed Rules**

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE TITLE: Adjustments to Reflect Consumer Price Index

RULE NO.: 2A-8.005

PURPOSE AND EFFECT: The proposed rule amendments are intended to reflect changes to the Consumer Price Index for payment of benefits.

SUMMARY: The proposed rule amendments set forth changes to the Consumer Price Index for payment of benefits.

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: 112.19 FS.

LAW IMPLEMENTED: 112.19 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: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2A-8.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.19(2)(j), Florida Statutes, requires the Bureau to adjust the statutory amount on July 1 of each year based on the Consumer Price Index for all urban consumers published by the United States Department of Labor, using the most recent figures available. The Bureau will utilize the previous March Consumer Price Index published by the United States Department of Labor and the benefits shall be adjusted from the benefit amount of the year before.

~~(1) The statutory amount for the period July 1, 2002 through June 30, 2003, was:~~

~~(a) For those benefits paid or to be paid under paragraph (a) of subsection (2); \$50,000.~~

~~(b) For those benefits paid or to be paid under paragraph (b) of subsection (2); \$50,000.~~

~~(c) For those benefits paid or to be paid under paragraph (c) of subsection (2); \$150,000.~~

(2) The Consumer Price Index amount in March ~~2003~~ 2004 was ~~1.7~~ 3.0 percent. Therefore, the statutory amount for the period July 1, ~~2004~~ 2003 through June 30, ~~2005~~ 2004, is:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2); ~~\$52,375.50~~ \$51,500.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2); ~~\$52,375.50~~ \$51,500.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2); ~~\$157,126.50~~ \$154,500.

Specific Authority 112.19 FS. Law Implemented 112.19 FS. History—New 12-10-03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rick Nuss, Chief, Bureau of Criminal Justice Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rodney Doss, Division Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 18, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2004

DEPARTMENT OF EDUCATION

Florida Board of Governors

RULE TITLE: Residency Determination for Graduate Assistants

RULE NO.: 6M-7.0055

PURPOSE AND EFFECT: The purpose of this rule is to establish in-state residency for tuition purposes for certain graduate assistants in Florida universities with an instructional assignment of at least 0.25 FTE.

SUMMARY: The rule establishes in-state residency for purposes of paying tuition for graduate students in Florida's public universities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: Article IX, Section 7.d., Constitution of the State of Florida.

LAW IMPLEMENTED: Not applicable.

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

TIME AND DATE: 9:00 a.m., Thursday, July 22, 2004

PLACE: Banquet Hall, University Center, University of North Florida, Jacksonville, Florida

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend this meeting is asked to call Mary-Anne Bestebreurtje, (850)245-9652, five (5) days prior to the meeting so that appropriate arrangements can be made.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Debra Austin, Chancellor, Division of Colleges and Universities, Department of Education, 325 W. Gaines St., Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6M-7.0055 Residency Determination for Graduate Assistants.

(1) Any person who has been appointed as a graduate assistant with an instructional assignment for at least a 0.25 FTE shall be classified as a Florida resident for tuition purposes.

(2) Any other person who has been appointed as a graduate assistant for at least 0.25 FTE for two semesters in the previous academic year and has completed at least 18 hours or any time period or course load determined by a University Board of Trustees of graduate work in the previous academic year shall be classified as a Florida resident for tuition purposes.

(3) Any person so classified in (a) or (b) shall be classified as a Florida resident for tuition purposes for the remainder of his/her graduate career in any semester a student receives a waiver of all matriculation fees or payment of matriculation by a contract or grant or auxiliary account of the University.

(4) The provisions of subsection 6A-10.044(4) or 6A-10.044(5), F.A.C., shall not apply to individuals provided for by this Rule.

Specific Authority Art. IX, Sec. 7d, Fla. Constitution, Law Implemented History—New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. R. E. LeMon, Vice Chancellor for Academic and Student Affairs, Division of Colleges and Universities

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Debra Austin, Chancellor, Division of Colleges and Universities

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 7, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 2004

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: Product Approval
 RULE TITLES:
 RULE CHAPTER NO.: 9B-72
 RULE NOS.:

Scope	9B-72.005
Definitions	9B-72.010
Local Product Approval Generally	9B-72.030
Product Performance Evaluation and Quality Assurance for Local Approval	9B-72.040
Validation of Performance Evaluation for Local Approval	9B-72.045
Approval and Acceptance by Local Jurisdictions of Products with Performance Criteria and Products with Standard Specifications	9B-72.050
State Approval Generally	9B-72.060
Product Evaluation and Quality Assurance for State Approval	9B-72.070
Product Validation by Approved Validation Entity for State Approval	9B-72.080
Product Approval by Building 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 Product Approvals or Entity Approvals	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, EFFECT AND SUMMARY: To implement solutions to issues arising during implementation of the product approval system since October 1, 2003, as identified by Commission staff and stakeholders.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 553, 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 HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., July 23, 2004

PLACE: Randall Kelley Training Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida

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 (800)955-8770 (Voice) or (800)955-9771 (TDD).

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

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-72.005 Scope.

(1) Products in the following categories as defined by subcategories of subsection 9B-72.010(29), F.A.C., shall be either approved by the Commission pursuant to Rule 9B-72.090, F.A.C., for use in the state or approved by local jurisdictions pursuant to Rule 9B-72.050, F.A.C., for use within that jurisdiction and accepted pursuant to Rule 9B-72.050, F.A.C., by the local jurisdiction for use in a specific building:

(a) Panel Walls;

(b) Exterior Doors;

(c) Roofing Products;

(d) Skylights;

(e) Windows;

(f) Shutters;

(g) Structural components; and

(h) Products comprising a building's envelope introduced as a result of new technology.

(2) This rule applies to approval and acceptance of products and systems, which comprise the building envelope and structural frame, for compliance with the structural and any weathering property requirements of the Florida Building Code.

Specific Authority 553.842(1) FS. Law Implemented 553.842(6) FS. History—New _____.

9B-72.010 Definitions.

The following terms have the meanings indicated.

(1) through (6) No change.

(7) Approved validation entity means a third party entity approved by the Commission pursuant to subsection 9B-72.100(2), F.A.C., which shall certify to the Commission the product's compliance with the standards specified in the Code or intent of the Code for use in statewide approval.

(8) through (20) No change.

(21) Panel (part of a structure) means the section of a floor, wall or roof comprised between the supporting frame of two adjacent rows of columns and girders or column bands of floor or roof construction. Material means the elements, constituents, or substances of which something is composed or can be made.

(22) No change.

(23) Product Approval:

(a) Local product approval ~~and acceptance~~ means an approval acceptance of the product, ~~method material~~ or system of construction for local use after an appropriate review, performed by the building official or designee pursuant to Rule 9B-72.050, F.A.C. The review shall verify that either the requirements pursuant to Rules 9B-72.045 and 9B-72.040, F.A.C., have been met or the product, ~~method material~~ or system of construction has statewide approval pursuant to Rule 9B-72.070, F.A.C., indicates the product, ~~method material~~ or system of construction is suitable for use in the location and project where it is proposed to be used. The issuance of a certificate of occupancy indicates acceptance, pursuant to Rule 9B-72.050, F.A.C., of products used in the building as complying with requirements of the Florida Building Code. ~~The issuance of a signed permit denotes approval of any product shown on the approved construction documents on which the permit is based.~~ Approval may be by inspection of the certification marks of approved certification agencies.

(b) Statewide product approval means the approval of a product, ~~material~~ or system of construction by the Commission for acceptance of a product on a statewide or regional basis consistent with an evaluation conducted pursuant to Rule 9B-72.070, F.A.C.

(24) No change.

(25) Scope of Accreditation means the specific standard test method standards, calibration services or other functions for which the organization is accredited.

(26) No change.

(27) ~~Standardized~~ test method means a specified technical procedure for performing a test.

(28) Structural component means any part or assembly of a buildings that comprise the envelope or structural frame ~~or structure used or intended to support or shelter any use or occupancy, and which affects the safety of such building or structure or which supports any dead or designed live load and the removal of which part, material or assembly could cause, or be expected to cause, all or any portion to collapse or to fail, or both.~~

(29) Sub-category of product or construction system means a specific functionality:

(a) For exterior door assemblies: roll-up, sectional, sliding, swinging, automatic, ~~or other~~;

(b) For windows: awning, casement, dual action, double hung, single hung, fixed, horizontal slider, projected, pass through, mullions, wind breaker ~~or other~~;

(c) For panel walls: siding, soffits, exterior insulation finish system (EIFS), storefronts, curtain walls, wall louver, glass block, ~~membrane, greenhouse, or other;~~

(d) For roofing products: built up roofing, modified bitumen roof system, single ply roof systems, spray applied polyurethane roof system, roofing fasteners, roofing insulation, asphalt shingles, wood shingles and shakes, roofing slate, roof tile adhesives, cements-adhesives-coatings, liquid applied roof systems, underlayments, non-structural metal roofing, roofing tiles, waterproofing, ~~or other;~~

(e) For shutters: accordion, Bahama, storm panels, colonial, roll-up, equipments, ~~or other;~~

(f) For skylights: skylight ~~or other;~~ and

(g) For structural components: truss plates, wood connectors, anchors, exterior coolers-freezers, ~~sheds, concrete admixtures;~~ insulation forms systems, engineered lumber, ~~material, plastics;~~ wall components, and deck-roof, ~~railing, or other; and.~~

(h) For other products as applicable.

(30) No change.

(31) Test report means a report from an approved testing laboratory which provides performance data showing compliance with a code requirement as determined by a referenced standard test method or equivalent standard test method pursuant to Rule 9B-72.180, F.A.C., and which identifies products covered by the report and limitations on the products' use.

(32) No change.

(33) Validation means determination of compliance pursuant to Rule 9B-72.045, F.A.C., for local approval and Rule 9B-72.080, F.A.C., for statewide approval.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History—New 5-5-02, Amended 9-4-03, _____.

9B-72.030 Local Product Approval Generally.

Products listed in Rule subsections 9B-72.005060(1)-(8), F.A.C., and revisions to an existing product approval shall be approved according to the provisions of this rule.

(1) Prescriptive. Products, materials and systems of construction specifically addressed in the Code through standard specifications shall have third party quality assurance and shall be approved through building plans review or inspection. Determination of third party quality assurance and compliance with the specification standard may be by inspection of listings, labels, other demonstration of compliance authorized by this rule or other demonstration of compliance acceptable to the building official. Such products shall include but not be limited to the following:

(a) Structural components covered by United States Department of Commerce Product Standards; and

(b) Structural components comprised of products that are assembled or placed in the field and are subject to standardized field testing procedures contained within nationally recognized

standards adopted within the Code may demonstrate compliance by a batch ticket or bill of lading made available at the site of assembly or placement.

(2) Performance. Products, methods and systems of construction specifically addressed in the code through performance criteria shall demonstrate compliance pursuant to Rule 9B-72.040, F.A.C., and shall be approved pursuant to Rule 9B-72.050, F.A.C.

Specific Authority 553.842(1) FS. Law Implemented 553.842(5), (6), (8) FS. History—New 5-5-02, Amended 9-4-03, _____.

9B-72.040 Product Performance Evaluation and Quality Assurance for Local Approval.

(1) Compliance of products or systems of construction listed in Rule subsections 9B-72.005060(1)-(8), F.A.C., and addressed in the code through performance criteria shall be demonstrated through the appropriate method of subsection 9B-72.040(1) or (2) or (3), F.A.C., except:

(a) ~~Structural components covered by United States Department of Commerce Product Standards; and~~

(b) ~~Structural components comprised of materials or products that are assembled or placed in the field and are subject to standardized field testing procedures contained within nationally recognized standards adopted within the Code may demonstrate compliance by a batch ticket or bill of lading made available at the site of assembly or placement.~~

(2) Performance Method 1. Products, materials or systems of construction specifically addressed in the code through performance criteria and standardized testing methods or standard comparative or rational analysis methods shall demonstrate compliance with the Code through one of the following:

(a) through (b) No change.

(c) An evaluation report from an approved product evaluation entity that covers the subject product and, based upon standard testings or standard comparative or rational analysis, or a combination thereof, indicates that the product was evaluated to be in compliance with the Code and that the product is, for the purpose intended, at least equivalent to that required by the Code.

(d) An evaluation report from a Florida Registered Architect or a Florida Professional Engineer developed and signed and sealed, based upon standard test or standard comparative or rational analysis, or a combination thereof which provides verifiable documentation indicating the product was evaluated to be in compliance with the Code and that the product is, for the purpose intended, at least equivalent to that required by the Code.

(3) Performance Method 2. Products for which there are no specific standardized tests methods or standard comparative or rational analysis methods of evaluation established as required by the Code shall demonstrate compliance with the intent of the Code through one of the following:

(a) through (b) No change.

(4) Products listed in Rule subsection 9B-72.005060(1)-(8), F.A.C., shall be manufactured under a quality assurance program audited by an approved quality assurance entity.

(5) Evaluation and Test Report Documentation Requirements.

All ~~evaluation~~ reports and documentation required in subsections 9B-72.040(1) and (2) ~~(2)(c) and (d) and (3)(a) and (b)~~, F.A.C., shall contain the information listed below. Design drawings submitted for permitting purposes are not an evaluation report and do not require this information.

(a) through (6)(d) No change.

Specific Authority 553.842(1) FS. Law Implemented 553.842(5), (6), (8) FS. History—New 5-5-02, Amended 9-4-03,_____.

9B-72.045 Validation of Performance Evaluation for Local Approval.

Validation of compliance with the Code for products subject to subsections 9B-72.040(1)(2) and (2)(3), F.A.C., shall be performed by the authority having jurisdiction or building official through the following steps:

(1) through (2) No change.

Specific Authority 553.842(1) FS. Law Implemented 553.842(5), (6), (8) FS. History—New 5-5-02, Amended 9-4-03,_____.

9B-72.050 ~~Product~~ Approval and Acceptance by Local Jurisdictions and Acceptance of Products with Performance Criteria and Products with Standard Specifications.

(1) Approval of a product with performance criteria for local use shall be performed by the building code official or his/her designee by verifying that the product complies with the Code in accordance with Rule 9B-72.040, F.A.C.

(a) The authority having jurisdiction or building official shall validate the method of compliance pursuant to Rule 9B-72.045040, F.A.C.

(b) Upon acceptance of required documentation pursuant to subsections 9B-72.040(4) or (5), F.A.C., the authority having jurisdiction or building official may deem the product approved for use in accordance with its approval and limitation of use.

(c) No change.

(d) Manufacturer shall notify the authority having jurisdiction or the building official when the quality assurance requirements of subsection 9B-72.040(3)(4), F.A.C., are no longer in place.

(2) Acceptance of a product, ~~material~~ or system of construction is specific to a project and requires approval by a local jurisdiction pursuant to subsection 9B-72.030(1), F.A.C. or Rule 9B-72.050, F.A.C., or statewide approval by the Commission pursuant to Rule 9B-72.090, F.A.C., and verification that the product is being used consistent with the approved evaluation and limitations of use established by the approved evaluation as required by the design specifications.

Specific Authority 553.842(1) FS. Law Implemented 553.842(8) FS. History—New 5-5-02, Amended 9-4-03,_____.

9B-72.060 ~~Optional~~ Statewide Approval Generally.

Statewide approval of products listed in Rule 9B-72.005, F.A.C., and not covered by subsection 9B-72.030(1), F.A.C., or revisions to existing statewide product approvals requires evaluation of product compliance with the Code by a method listed in Rule 9B-72.070, F.A.C., validation of the evaluation as required by Rule 9B-72.080, F.A.C., and approval per Rule 9B-72.090, F.A.C. Validation of compliance with the Code shall be performed by approved Validation Entities. Approval shall be performed by the Commission. All products used in construction covered by the Code shall comply with the provisions or standards contained therein or with the intent of the Code. ~~Approval by the Commission for statewide use shall be limited to the following categories of products:~~

- (1) ~~Panel Walls;~~
- (2) ~~Exterior Doors;~~
- (3) ~~Roofing Products;~~
- (4) ~~Skylights;~~
- (5) ~~Windows;~~
- (6) ~~Shutters;~~
- (7) ~~Structural components; and~~
- (8) ~~Products comprising a building's envelope introduced as a result of new technology.~~

Specific Authority 553.842(1) FS. Law Implemented 553.842(6) FS. History—New 5-5-02, Amended 9-4-03,_____.

9B-72.070 Product Evaluation and Quality Assurance for ~~Optional~~ Statewide Approval.

(1) Method 1. Products specifically addressed in the code through performance criteria and ~~standardized testing methods~~ or standard comparative or rational analysis methods, which cannot be approved through the plan review and inspection process, shall demonstrate compliance with the Code through one of the following:

(a) through (b) No change.

(c) An evaluation report from an approved product evaluation entity that covers the subject product and, based upon standard ~~testings~~ or standard comparative or rational analysis, or a combination thereof, indicates that the product was evaluated to be in compliance with the Code and that the product is, for the purpose intended, at least equivalent to that required by the Code.

(d) An evaluation report from a Florida Registered Architect or a Florida Professional Engineer developed and signed and sealed, based upon standard ~~testings~~ or standard comparative or rational analysis, or a combination thereof and indicates that the product was evaluated to be in compliance with the Code and that the product is, for the purpose intended, at least equivalent to that required by the Code.

(2) through (b) No change.

(3) Products listed in Rule subsections 9B-72.005-060(1)-(8), F.A.C., shall be manufactured under a quality assurance program audited by an approved quality assurance entity:

(4) through (5) No change.

Specific Authority 553.842(1) FS. Law Implemented 553.842(6) FS. History—New 5-5-02, Amended 9-4-03,_____.

9B-72.080 Product Validation by Approved Validation Entity for ~~Optional~~ Statewide Approval.

Validation of compliance with the Code shall be performed by approved validation entities through the following steps:

(1) through (4) No change.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History—New 5-5-02.

9B-72.090 Product Approval by the Commission.

(1) Approval of a product, ~~material~~ or system of construction for statewide acceptance shall be performed by the Commission through the following steps:

(a) A product manufacturer or owner of a proprietary system or method of construction, or its designee (applicant) shall apply to the Commission for approval by filing an application in accordance with subsection 9B-72.130(2), F.A.C., validated in accordance with Rule 9B-72.080, F.A.C., and submitting fees pursuant to subsection 9B-72.090(2), F.A.C. Application shall be made through the Building Codes Information System on the Internet and payment shall be by credit card or electronic check.

(b) No change.

(c) Upon Commission acceptance of the required documentation pursuant to Rule 9B-72.070, F.A.C., and validation ~~entity's certification~~ of compliance with the Code pursuant to Rule 9B-72.080, F.A.C., ~~a Florida Certificate of Product Approval by the Commission indicating the product has been approved~~ may approve the product for use statewide in accordance with its approval and limitations of use.

(d) Approval shall be valid until such time as the product changes decreasing the product's performance the standards or provisions of the Code affecting the product change, or the approval is otherwise suspended, ~~or~~ revoked, or superseded by a Commission approved revision to the approval. Changes to the Code shall not be construed as voiding the approval of products previously installed in existing buildings provided such products met building code requirements at the time the product was installed.

(e) through (g) No change.

(2) Fees for ~~optional~~ statewide approval of products.

(a) through (c) No change.

(d) Fee for revision of an existing approval, Fifty Dollars (\$50.00) per product or entity approval revision.

(3) Applications and revisions shall be made through the Building Codes Information System on the Internet and payment shall be by credit card or electronic check.

Specific Authority 553.77(1)(i), 553.842(1) FS. Law Implemented 553.842(1) FS. History—New 5-5-02, Amended 9-4-03,_____.

9B-72.100 Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies.

(1) No change.

(2) Approved Validation Entities.

(a) An entity shall be approved by the Commission as a validation entity if it is a Commission approved evaluation entity, testing laboratory or certification agency and it certifies to the Commission compliance with standards established by the Code or intent of the Code. Architects and engineers licensed in this state are also approved to conduct validation for the ~~optional~~ statewide approval. Validation by an approved testing laboratory acting as a validation entity shall be limited to the scope for which they are accredited.

(b) An entity may be approved as a validation entity after applying to the Commission for approval. Applications must be submitted in accordance with subsections 9B-72.130(1) and 9B-72.090(3), F.A.C., including a Certificate of Independence in accordance with Rule 9B-72.110, F.A.C., and fees submitted pursuant to subsection 9B-72.090(2), F.A.C. Application shall be made through the Building Codes Information System on the Internet and payment shall be by credit card or electronic check.

(c) No change.

(3) No change.

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

~~3. Certification Agencies accredited as meeting the requirements of ISO/IEC Guide 65: General Requirements for Bodies Operating Product Certification Systems or other standard certified as equivalent by the accrediting entity pursuant to Rule 9B-72.180, F.A.C., and approved by the Commission;~~

3.4. No change.

b) through (5)(a)3. No change.

(b) Quality assurance agencies shall apply to the Commission for approval by filing an application in accordance with subsections 9B-72.130(1) and 9B-72.090(3), F.A.C., including a Certificate of Independence in accordance with Rule 9B-72.110, F.A.C., and submitting fees pursuant to subsection 9B-72.090(2), F.A.C. Application shall be made through the Building Codes Information System on the Internet and payment shall be by credit card or electronic check.

(c) through (6) No change.

Specific Authority 553.842(9) FS. Law Implemented 553.842(9) FS. History—New 5-5-02, Amended 9-4-03,_____.

9B-72.110 Criteria for Certification of Independence.

No change.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1), (9) FS. History–New 5-5-02.

9B-72.120 List of Approved Product Evaluation Entities, Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies.

No change.

Specific Authority 553.842(14) FS. Law Implemented 553.842(14) FS. History–New 5-5-02.

9B-72.130 Forms.

The following forms are adopted for use in reference to the Product Evaluation and Approval System. Copies of these forms are available from the Department of Community Affairs, Codes and Standards Section, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399.

(1) No change.

(2) Florida Building Commission, Application for Statewide Product Approvals, Form No. 9B-72.130(2), updated September 4, 2003 (electronic version).

(3) Validation Checklist for ~~Optional~~ Statewide Approval, Form No. 9B-72.130(3), updated September 4, 2003 (electronic version).

(4) through (5) No change.

(5) Florida Building Commission, Validation Checklist for Local Product Approval by Method 1 or 2, Form No. 9B-72.130(5), updated September 4, 2003 (electronic version).

(6) Florida Building Commission, Application for Revision to State Approvals, Form No. 9B-72.130(3), (electronic version), effective _____.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History–New 5-5-02, Amended 9-4-03, _____.

9B-72.135 Revisions to Product Approvals or Entity Approvals.

(1) Approval of revisions to state approved products or approved entities shall be performed by the Commission as follows:

(a) A product manufacturer or approved entity shall submit a revision for approval by filing an application in accordance with subsection 9B-72.130(6), F.A.C., validated in accordance with Rule 9B-72.080, F.A.C., and submitting fees pursuant to subsection 9B-72.090(2), F.A.C. Revisions shall be made through the Building Codes Information System on the Internet and payment shall be by credit card or electronic check. The revision will carry the same FL number as the original approval with the addition of a revision number assigned, R1, R2, as applicable.

(b) Revisions to all data will be allowed, but in the case of revisions to product approvals, new products shall not be added.

(c) Once a revision is approved by the Commission, the approved revision will supersede the original approval. In the case of product approval revisions, the time clock for renewal of the product approval every two years will be set back to day one.

Specific Authority 553.842(1) FS. Law Implemented 553.842(6) FS. History–New _____.

9B-72.160 Revocation or Modification of Product Approvals and Entity Certifications.

(1) Product Approval Revocation or Suspension.

(a) through (c) No change.

(d) ~~The Commission shall clearly post the status of approved product approvals, denials, suspensions or revocations on its website list of approved products and shall notify building code enforcement jurisdictions electronically when there is a change in status.~~

(2) No change.

Specific Authority 553.842(15) FS. Law Implemented 553.842(15) FS. History–New 5-5-02, Amended _____.

9B-72.170 Investigations.

No change.

Specific Authority 553.842(15) FS. Law Implemented 553.842(15) FS. History–New 5-5-02.

9B-72.180 Equivalence of Standards.

No change.

Specific Authority 553.842(1) FS. Law Implemented 553.842(2) FS. History–New 5-5-02.

9B-72.190 Reference Standards.

No change.

Specific Authority 553.842(1) FS. Law Implemented 553.842(2) FS. History–New 5-5-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 2004

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 BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLES:	RULE NOS.:
Professional Fees and Penalties for Architects	61G1-17.001
Professional Fees and Penalties for Interior Designers	61G1-17.002

PURPOSE AND EFFECT: The Board proposes the rule amendments to increase licensure renewal and delinquency fees.

SUMMARY: The proposed rule amendments increase active renewal and delinquency fees to \$125, and raise inactive status renewal to \$75.

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: 455.213(2), 455.217(2), 455.219(3), 455.2281, 481.2055, 481.207, 481.2130, 481.229(5)(b) FS.

LAW IMPLEMENTED: 455.217(2), 455.219(3), 455.2281, 455.271, 481.207, 481.209, 481.219 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G1-17.001 Professional Fees and Penalties for Architects.

The following fees and penalties are hereby adopted by the Board:

- (1) No change.
- (2) The biennial renewal fee for individuals electing active status shall be ~~\$125.00~~ ~~\$100.00~~.
- (3) No change.

(4) The biennial renewal fee for a Certificate of Authorization shall be ~~\$125.00~~ ~~\$100.00~~.

(5) through (10) No change.

(11) There will be a ~~\$125.00~~ ~~\$100.00~~ delinquency fee.

(12) There will be a ~~\$75.00~~ ~~\$50.00~~ fee for renewal of an inactive license.

Specific Authority 455.217(2), 455.2281, 481.207 FS. Law Implemented 455.217(2), 455.2281, 455.271, 481.207, 481.209, ~~481.219~~ FS. History—New 12-23-79, Amended 12-19-82, 5-18-83, 6-12-84, 7-30-85, Formerly 21B-17.01, Amended 9-23-86, 5-16-87, 12-6-87, 4-17-89, 12-24-89, 3-14-91, Formerly 21B-17.001, Amended 9-27-93, 8-21-94, 11-21-94, 4-22-97, 3-15-99, _____.

61G1-17.002 Professional Fees and Penalties for Interior Designers.

(1) No change.

(2) The biennial renewal fee for individuals electing active status shall be ~~\$125.00~~ ~~\$100.00~~.

(3) No change.

(4) The biennial renewal fee for a Certificate of Authorization shall be ~~\$125.00~~ ~~\$100~~.

(5) through (12) No change.

(13) There will be a ~~\$125.00~~ ~~\$100.00~~ delinquency fee.

(14) There will be a ~~\$75.00~~ ~~\$50.00~~ fee for renewal of an inactive license.

(15) No change.

Specific Authority 455.213(2), 455.217(2), 455.219(3), 455.2281, 481.2055, 481.207, 481.2130, 481.229(5)(b) FS. Law Implemented 455.219(3), 455.2281, 481.207, ~~481.219~~ FS. History—New 12-21-88, Amended 5-10-89, 7-2-89, 12-24-89, 12-3-90, 2-28-91, 5-31-92, 11-11-92, Formerly 21B-17.002, Amended 9-27-93, 11-15-93, 11-21-94, 1-31-96, 10-20-96, 1-10-99, 3-15-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE:	RULE NO.:
Continuing Education Requirements for Renewal for Certificateholders and Registrants	61G6-9.004

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth the minimum number of continuing education hours required in an approved provider's specialized or advanced module course.

SUMMARY: The proposed rule amendment specifies that none of the required continuing education hours must be completed in an approved provider’s specialized or advanced module course.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 120.52(15), 120.54(1), 455.2124, 489.507(3) FS.

LAW IMPLEMENTED: 455.2124, 489.513(3), 489.517(3) 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: John Knap, Executive Director, Electrical Contractors’ Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-9.004 Continuing Education Requirements for Renewal for Certificateholders and Registrants.

(1) through (5) No change.

(6) A minimum of zero of the 14 required classroom hours of continuing education must be obtained by completing an approved provider’s specialized or advanced module course, approved by the Florida Building Commission, on any portion of the Florida Building Code, relating to the contractor’s respective discipline.

Specific Authority 120.52(15), 120.54(1), 455.2124, 489.507(3) FS. Law Implemented 455.2124, 489.513(3), 489.517(3) FS. History–New 11-30-94, Amended 4-22-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors’ Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors’ Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 28, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 14, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE TITLE:

License and Certification Renewal

RULE NO.:

61G16-8.001

PURPOSE AND EFFECT: The Board proposes to clarify the criteria geologists must follow in order to renew their licenses.

SUMMARY: This amendment states how often, and under what conditions a geologist must renew their license in order to continue to practice professional geology.

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: 455.02(2), 468.4315(3) FS.

LAW IMPLEMENTED: 455.02(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John T. Knap, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399-0754

THE FULL TEXT OF THE PROPOSED RULE IS:

61G16-8.001 License and Certification Renewal.

Licenses and Certificates are renewed biennially on July 31, of even numbered years.

(1) Exemption of Spouses of Members of Armed Forces from licensure Renewal Provisions – A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse’s duties with the armed forces shall be exempt from all licensure renewal provisions under these rules during such absence. The licensee must show proof to the Board of the absence and the spouse’s military status.

(2) Failure to renew a license or certificate, unless exempt as a military spouse, renders the license delinquent. Delinquent status may last one full renewal cycle. If, at the end of the delinquent biennium, the license is not brought current it becomes null and void.

(3) A revoked or null and void license, may not be renewed. Anyone with a revoked or null and void license who wishes to provide professional geological services shall apply as though never before licensed.

(4) All licensees except revoked, null and void licenses, or those exempt in subsection (1) of this rule, must renew each biennium to continue to practice professional geology.

Specific Authority 455.02(2), 468.4315(3) FS. Law Implemented 455.02(2) FS. History–New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John T. Knap, Executive Director, Board of Professional Geologists
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Geologists
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: Obligations of Continuing Education PROVIDER: Providers
RULE NO.: 61G17-5.0043

PURPOSE AND EFFECT: The purpose of this amendment is to require the course number be on all courses or seminars being offered professional surveyors and mappers for credit.

SUMMARY: This rule sets out the requirements to maintain status as a continued education provider for surveyors and mappers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.219, 472.008, 472.011, 472.018 FS.

LAW IMPLEMENTED: 455.2123, 472.018 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY. IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-5.0043 Obligations of Continuing Education Providers.

To maintain status as a continuing education provider, the provider must:

- (1) through (2) No change.
- (3) Ensure that all promotional material for courses or seminars offered to professional surveyors and mappers for credit contain the course number and the provider number.
- (4) through (13) No change.

Specific Authority 455.219, 472.008, 472.011, 472.018 FS. Law Implemented 455.2123, 472.018 FS. History—New 3-28-94, Amended 5-30-95, 7-27-00, 8-18-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Surveyors and Mappers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 2004, Notice of Correction published June 18, 2004

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 Medicine

RULE TITLES: Disciplinary Guidelines
Reinstatement of License
RULE NOS.: 64B8-8.001
64B8-8.003

PURPOSE AND EFFECT: The proposed rule amendments are intended to address aggravating circumstances with regard to disciplinary guidelines and set forth the appropriate procedure for requesting reinstatement of licensure.

SUMMARY: The proposed amendment to Rule 64B8-8.001, F.A.C., sets forth as an aggravating circumstance the failure to maintain or produce medical records when it is the practitioner’s responsibility to do so. The amendments to Rule 64B8-8.003, F.A.C., clarify the criteria for seeking reinstatement of licensure.

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: 456.0375(4)(c), 456.079, 458.309, 458.331 FS.

LAW IMPLEMENTED: 456.013(6), 456.0375(4)(c), 456.072, 456.079 458.331 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-8.001 Disciplinary Guidelines.

(1) through (2) No change.

(3) Aggravating and Mitigating Circumstances. Based upon consideration of aggravating and mitigating factors present in an individual case, the Board may deviate from the penalties recommended above. The Board shall consider as aggravating or mitigating factors the following:

(a) through (g) No change.

(h) Where a licensee has been charged with violating the standard of care pursuant to Section 458.331(1)(t), F.S., but the licensee, who is also the records owner pursuant to Section 456.057(1), F.S., fails to keep and/or produce the medical records.

(i) ~~(h)~~ No change.

(4) through (7) No change.

Specific Authority 456.0375(4)(c), 456.079, 458.309, 458.331(5) FS. Law Implemented 456.0375(4)(c), 456.072, 456.079, 458.331(5) FS. History—New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98, 12-28-99, 1-31-01, 7-10-01, 6-4-02, 9-10-02, 12-11-02, 8-20-03,_____.

64B8-8.003 Reinstatement of License.

(1) No change.

(2) When disciplinary action is taken against a licensee which results in the licensee's being unable to use the license for a period of time for reasons including, but not limited to, suspension, inactivation, or other restriction, but not including revocation subsequent to June 5, 1983, the licensee may petition for reinstatement of the license as follows:

(a) through (b) No change.

(c) When the suspension, inactivation, or other restriction is for a definite period of time or for an indefinite period of time, the licensee may petition the Board for to consider reinstatement of a license acted against for an indefinite period of time or early reinstatement of a license acted against for a definite period of time. When such a petition is filed, it must include all documentation of the petitioner's compliance with the final order, completion of the continuing medical education requirements imposed on an active status licensee for all biennial licensure periods in which the licensee was suspended, inactive or under other restriction, petitioner's ability to safely engage in practice, petitioner's plan for the return to practice, and any other information which the petitioner would want the Board to consider if it grants the petition for consideration. If the plan for return to practice includes a period of supervised practice, the documentation should include the name of the proposed supervising physician and a written statement from

the proposed supervising physician of his or her willingness to serve in that capacity. ~~The No oral testimony or personal appearance will be permitted at the time the Board hears a petition to consider reinstatement or early reinstatement. Upon the granting by the Board of the petition to consider such reinstatement or early reinstatement, the licensee shall appear before the Board when it considers the petition and the licensee shall, at a subsequent meeting, have an opportunity to demonstrate his or her ability to safely engage in the practice of medicine and compliance with the terms of the final order. The Board shall reinstate the license upon a proper demonstration of competency and of compliance with the final order by the licensee.~~

(3) No change.

Specific Authority 458.309, 458.331 FS. Law Implemented 456.013(6), 458.331 FS. History—New 1-3-85, Formerly 21M-20.03, Amended 7-4-88, Formerly 21M-20.003, Amended 11-4-93, Formerly 61F6-20.003, 59R-8.003, Amended 7-10-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2004

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLES: RULE NOS.:

Citations 64B12-8.021

Mediation 64B12-8.022

Notice of Noncompliance 64B12-8.023

PURPOSE AND EFFECT: The Board proposes to update the existing rule language in Rules 64B12-8.021 and 64B12-8.022, F.A.C., and promulgate a new rule concerning notice of noncompliance.

SUMMARY: Citation violations must be corrected within a specified period, may be issued for repeat violations, must include costs and the Department shall report to the Board on the number of citations issued. New mediation offenses include economic only violations where there is no patient harm. Notices of noncompliance shall be issued for failure to notify of a change of address and failure to have minimum equipment.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 120.695, 456.077, 456.078, 484.005 FS.

LAW IMPLEMENTED: 456.073, 456.077, 456.078, 484.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B12-8.021 Citations.

(1) Definition. As used in this rule:

(a) "Citation" means an instrument which meets the requirements set forth in Section 456.077, F.S., and which is served upon a subject for the purpose of assessing a penalty in an amount established by this rule. All citations will include a requirement that the subject correct the violation, if remediable, within a specified period of time not to exceed three months, and impose whatever obligations will remedy the offense.

(b) No change.

(2) No change.

~~(3) Citations shall be issued for first offense violations only.~~

~~(3)(4)~~ The Board hereby designates the following as citation violations, which shall result in the indicated penalty:

(a) Failing to make a fee or price information readily available by providing such information upon request or upon the presentation of a prescription pursuant to Section 484.014(1)(d), F.S., \$200.00 ~~and a reprimand;~~

(b) through (g) No change.

(h) Failing to pay any civil penalty imposed by order of the Board or as required by ~~Rule Rules~~ 64B12-8.017 and 64B12-11.011, F.A.C., ~~as long as the penalty has been paid prior to the issuance of the citation,~~ \$200.00;

~~(i) Failing to conspicuously display the certificate or a copy of the certificate in each place of business where the Board Certified Optician engages in contact lens fitting pursuant to Rule 64B12-10.004, F.A.C., \$250.00;~~

~~(i)(j)~~ Failing to complete the continuing education requirements prescribed in Section 484.008, F.S., and the rules promulgated thereto, \$500 plus \$25 per credit hour missing ~~and proof of completing the continuing education;~~

~~(j)(k)~~ No change.

~~(k)(l)~~ Practicing opticianry with an inactive license, so long as the license has been inactive for a period not to exceed two months, pursuant to Section 456.036(1), F.S. \$500.00;

~~(l)(m)~~ Failing to terminate an apprenticeship properly, so long as the required reports are ~~were~~ filed within 6 months of the date they were due, as required by Rule 64B12-16.004, F.A.C., \$200.00;

~~(m)(n)~~ Failing to notify the Department properly of termination as a sponsor, so long as the required reports are ~~were~~ filed within 6 months of the date they were due as required by Rule 64B12-16.006, F.A.C., \$200.00;

~~(n)(o)~~ Failing to file complete reports and information timely, so long as they are ~~were~~ filed within 6 months of the date they were due, as required by Rule 64B12-16.008, F.A.C., \$200.00; and

~~(o)(p)~~ No change.

(4) The penalty specified in the citation shall be the sum provided herein plus the Department's investigative costs.

(5) The Department shall report to the Board regarding the number of citations issued and the nature of the offenses for which they were issued names, numbers, and violations of the licensees issued citations.

Specific Authority 456.077, 484.005 FS. Law Implemented 456.073, 456.077, 484.014 FS. History--New 1-19-92, Amended 5-27-92, Formerly 21P-8.021, Amended 5-2-94, Formerly 61G13-8.021, Amended 12-4-95, Formerly 59U-8.021, Amended 8-6-97, 6-14-01, _____.

64B12-8.022 Mediation.

The Board finds that mediation is an acceptable resolution of the following violations where the subject has an explanation and a differing view from the complainant as to the nature or extent of the violation because they that are economic in nature or can be remedied by the licensee:

(1) Failure to respond timely to a continuing education audit pursuant to subsection 64B12-15.001(5), F.A.C.

(2) Failure to include a proper 72 hour cancellation notice for an advertisement when such notice is required by Section 456.062, F.S.

(3) Client or patient dissatisfaction based on economic or other misunderstandings not amounting to exploitation of the client for financial gain or gross malpractice under Section 484.014(1)(o), F.S.

(4) Failure to give notice of withdrawal of services as required by Rule 64B12-10.003, F.A.C.

(5) Failure to properly keep and transfer prescription files pursuant to Rule 64B12-10.006, F.A.C.

(6) Failure to assure that duplicate prescription forms contain all the information required by Rule 64B12-10.0065, F.A.C.

Specific Authority 456.078 FS. Law Implemented 456.078 FS. History--New 10-24-94, Formerly 59U-8.022, Amended _____.

64B12-8.023 Notice of Noncompliance.

In accordance with Section 456.073, F.S. and Section 120.695, F.S., the Board shall issue a notice of noncompliance as a first response to a minor violation of a rule. Failure of a licensee to take action to correct the violation within the 15 days shall

result in either the issuance of a citation when appropriate or the initiation of regular disciplinary proceedings. The minor violations which shall result in a notice of noncompliance are:

(1) Failure to provide change of address as required by Rule 64B12-10.012, F.A.C.

(2) Failure to maintain minimum equipment requirements as required by Rule 64B12-10.007, F.A.C.

Specific Authority 120.695 FS. Law Implemented 456.073 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 2004

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Minimum Equipment Requirements RULE NO.: 64B12-10.007

PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule.

SUMMARY: The Board determined that a colmascope is required when glass lenses are being manufactured.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 484.005(2) FS.

LAW IMPLEMENTED: 484.002(3), 484.005(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-10.007 Minimum Equipment Requirements.

The following equipment must be maintained in each office in which an optician practices opticianry;

(1) through (4) No change.

(5) One colmascope or similar instrument, when manufacturing glass lenses on the premises.

(6) through (10) No change.

Specific Authority 484.005(2) FS. Law Implemented 484.002(3), 484.005(2) FS. History--New 12-6-79, Formerly 21P-10.07, Amended 5-31-87, Formerly 21P-10.007, 61G13-10.007, 59U-10.007, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 2004

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: SSI-Related Medicaid Resource RULE NO.:

Eligibility Criteria 65A-1.712

PURPOSE AND EFFECT: This proposed rule amendment aligns State policy with the federal policy for consideration of mortgages. In addition, the amendment deletes two dates beyond the look back period.

SUMMARY: Rule 65A-1.712, F.A.C., implements federal policy for the counting of mortgages in determination of Medicaid eligibility. The amendment also deletes two dates beyond the look back period.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: This statement was not prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.9065 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m. - 11:00 a.m., July 19, 2004

PLACE: Building 3, Room 439, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Nathan Lewis, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 448, Tallahassee, FL 32399-0700, telephone (850)414-5927

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.712 SSI-Related Medicaid Resource Eligibility Criteria.

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

(f) Property that is essential to the individual’s self-support shall be excluded from resources if it is producing income available to the individual which is consistent with its fair market value. This includes real and personal property used in a trade or business; non-business income-producing property; and property used to produce goods or services essential to an individual’s daily activities. Liquid resources, other than those used as part of a trade or business, are not property essential to self-support. For the purpose of this section, mortgages are considered non-liquid resources, if they were entered into on or before September 30, 2004.

(3) Transfer of Resources and Income. According to 42 U.S.C. § 1396p(c), if an individual, the spouse, or their legal representative, disposes of resources or income for less than fair market value on or after the look back date, the department must presume that the disposal of resources or income was ~~done~~ to become Medicaid eligible and impose a period of ineligibility for nursing facility care services or HCBS waiver services. The look back period is 36 months prior to the date of the application, except in the care of a trust treated as a transfer in which case the look back period is 60 months prior to the date of the application, ~~but no earlier than October 1, 1993. Transfers made prior to October 1, 1998, will not be subject to a penalty.~~

- (a) through (h) No change.
(4) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.9065, 409.919 FS. History–New 10-8-97, Amended 1-27-99, 4-1-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robi Olmstead, Government Operations Consultant II, ESS Policy Bureau

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Connie B. Reinhardt, Acting Director, Economic Self-Sufficiency

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 2004

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER NO.: 9B-3
RULE CHAPTER TITLE: Florida Building Commission – Operational Procedures

RULE NO.: 9B-3.047
RULE TITLE: State Minimum Building Codes Adopted

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 13, March 26, 2004, issue of the Florida Administrative Weekly.

(1) The Florida Building Code as updated revised by the Florida Building Commission on January 1, 2005 June 30, 2003, is adopted as the Florida Building Code, 2004 edition, and incorporated by reference as the building code for the State of Florida.

NOTE: The following sections of the Florida Building Code were changed. Text of the changes can be accessed at www.floridabuilding.org or by contacting the person indicated below.

Specific Authority 553.73(1), (2), (7) FS. Law Implemented 553.72, 553.73(2), (3), (6), (7), (9) FS. History–New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 12-16-01, 6-30-03, 1-1-05.

Building Volume:

Chapter 1, Administration

Section 105 Permits; New Section 105.1.4 was added; Section 105.4 was replaced; Sections 105.5 Expiration and 105.6 Suspension or revocation were deleted.

Section 106 Construction Documents; New text was added to Section 106.1.

Section 109 Inspections; New text was added to Section 109.3.

Chapter 2, Definitions;

Section 201 General; Section 201.3 was revised.

Section 202, Definitions; Definitions for Accessible, Notice of Acceptance (NOA), Readily Accessible, and Smoke Layer Interface were deleted; The definition for wind-borne debris impact resistant products was changed.

Chapter 3, Use and Occupancy Classification;

Section 302 Classification, Text was added in Section 302.1.

Section 313 Day Care Occupancy – Group D, Section 313.1 was revised.

Chapter 4, Special Detailed Requirements Based on Use and Occupancy;

Section 402 Covered Mall Buildings, Section 402.9 was revised.

Section 422 Birthing Centers, Section 422.2.10 was revised.

Chapter 5, General Building Heights and Areas;

Section 506 Area Modifications, Section 506.4 was added.

Chapter 7, Fire-Resistance-Rated Construction

Section 705 Fire Walls, Section 705.4 was revised; Table 705.4 was revised to add “D” under Occupancy.

Section 706 Fire Barriers, Table 706.3.7 was revised to add “D” under Occupancy Group.

Chapter 8, Interior Finishes;

Section 803 Wall and Ceiling Finishes, Table 803.5 was revised to add “D” under Group.

Chapter 9, Fire Protection Systems