

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Respiratory Care
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Respiratory Care
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 6, 2004

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Issuance of Temporary Certificates
RULE NO.: 64B32-3.004

PURPOSE AND EFFECT: To repeal a currently obsolete rule.
SUMMARY: The Board proposes to repeal this rule pursuant to Chapter 2004-299, Laws of Florida.

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: 468.353(1), 468.355(3) FS.

LAW IMPLEMENTED: 468.355(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: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-3.004 Issuance of Temporary Certificates.

Specific Authority 468.353(1), 468.355(3) FS. Law Implemented 468.355(3) FS. History—New 4-29-85, Amended 10-20-85, Formerly 21M-35.04, Amended 5-12-88, Formerly 21M-35.004, 61F6-35.004, Amended 12-28-94, 8-27-95, Formerly 59R-72.005, 64B8-72.005, Amended 4-27-00, Repealed

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Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-5.001
RULE TITLE: Voting System Equipment Regulations

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-5.001, F.A.C., published in the F.A.W., Page 2175, Vol. 30, No. 22, on May 28, 2004, has been changed to reflect comments received from JAPC and the public during the hearing held on June 18, 2004. Changes were made to Form DS-DE 101, incorporated by reference to Rule 1S-5.001, F.A.C., as follows:

(1) Clarify the language in the Standards section. Specifically the paragraph on Control Subsystem tests at the polling place. Page 37 of the proposed rule.

(2) Update the standard to be applied when testing for equipment resistance to sand and dust. Page 67 of the proposed rule.

The revised proposed rule language may be obtained from the Division of Elections' website at <http://election.dos.state.fl.us> or by contacting: David Drury, (850)245-6220.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.03028
RULE TITLE: Development of Individual Educational Plans for Students with Disabilities

NOTICE OF CHANGE

Notice is hereby given that the following amendments have been made to the proposed rule in accordance in subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 7, of the February 13, 2004, issue of the Florida Administrative Weekly. Subparagraphs (3)(b)1., 2., and paragraphs (4)(h), (7)(i), and (7)(j), and subsection (8) and paragraph (8)(e) were amended to read:

(3) No change.

(b) No change.

1. For a student with a disability beginning at age 14; (or younger if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student as required in paragraph (7)(i) of this rule and the notice must indicate that the school district will invite the student.

2. For a student with a disability, beginning at age 16; (or younger if determined appropriate by the IEP team), the notice must indicate that a purpose of the meeting is the consideration of needed transition services for the student as required in paragraphs (7)(i) and (j) of this rule, indicate that the school district will invite the student, and indicate any other agency that will be invited to send a representative.

(4) No change.

(h) The student, beginning by the student's fourteenth birthday (or younger if determined appropriate by the IEP team), when the purpose of the meeting is to consider the student's transition service needs, as described in paragraphs (7)(i)-(j) of this rule. If the student does not attend, the school district shall take other steps to ensure that the student's preferences and interests are considered.

(7) No change.

(i) Beginning by the student's fourteenth birthday (or younger, if determined appropriate by the IEP team), including the student and the student's parents, and updated annually:

(j) Beginning by the student's sixteenth birthday (or younger, if determined appropriate by the IEP team), including the student and the student's parents and updated annually and thereafter, a statement of needed transition services for the student including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

(8) Transition services for students beginning at age sixteen (16); (or younger, if determined appropriate by the IEP team).

(e) If the IEP team determines that a transition services ~~are~~ is not needed as described in subparagraph (8)(a)1. of this rule, the IEP shall include a statement to that effect.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.03411	Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students

NOTICE OF CHANGE

Notice is hereby given that the following amendments have been made to the proposed rule in accordance in subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 7, of the February 13, 2004, issue of the Florida Administrative Weekly. Subparagraph (3)(a)1., is amended to read:

(3) General Procedures. General procedures shall be implemented in accordance with Rule 6A-6.0331, F.A.C.

(a) Procedures for placement in the least restrictive environment. Procedures for placement determination shall be made in accordance with 34 CFR 300.552-300.553 and shall include consideration of the following:

1. To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities are educated with students who are not disabled; THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shan Goff, K-12 Deputy Chancellor for Student Achievement, Florida Department of Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (850)245-5020

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."

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-11.002	Beneficiary Designation for FRS Investment Plan
19-11.004	Excessive Trading in the FRS Investment Plan
19-11.005	FRS Investment Plan Complaint Procedures
19-11.006	Enrollment Procedures for New Hires
19-11.007	Acceptance of Rollovers

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules noted above in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 28 which is the July 9, 2004, issue of the Florida Administrative Weekly.

(1) In subsection 19-11.002(2), F.A.C., the last sentence will be deleted from that subsection.

(2) Subsection 19-11.002(3), F.A.C.: To indicate where the EZ form is adopted and incorporated by reference, the first sentence will now read: "If the FRS Investment Plan participant enrolls in the FRS Investment Plan using the EZ Retirement Plan Enrollment Form for Regular, Special Risk and Special Risk Administrative Support Class Employees, Form ELE-1-EZ, which is adopted and incorporated by reference in Rule 19-11.006(4), F.A.C., the participant has chosen the beneficiary designation contained in Section 121.091(8), Florida Statutes."

(3) In paragraph 19-11.004(1)(c), F.A.C., the second sentence will now read: "This rule establishes that policy."

(4) In subparagraph 19-11.005(3)(b)2., F.A.C., the form will now be referenced as "SBA-RFI06/04."

(5) In subparagraph 19-11.005(3)(c)1., F.A.C., the form will now be referenced as "SBA-PFH06/04."

(6) In Rule 19-11.006, F.A.C., the following changes are made:

(a) In paragraph 19-11.006(2)(d), F.A.C., the definition will now read as follows: “Effective enrollment in the FRS Investment Plan” means that the employee has completed enrollment by filing the enrollment form for his membership class or by filing a separate document for his membership class; that the TPA has entered the employee into its recordkeeping system; and that the TPA has informed the division and the employee’s employer of the employee’s effective date of enrollment in the FRS Investment Plan. For purposes of this rule, the term “enrollment form” or “form” shall also refer to the separate document described in paragraph 19-11.006(4)(b), F.A.C., below.”

(b) In paragraph 19-11.006(4)(b), F.A.C., the first sentence will now read: “The SBA has designed the following forms for ease of use for employees in the several membership classes of the Florida Retirement System. As an alternative, an employee not wishing to use the forms may provide the information outlined in this Rule 19-11.006, F.A.C., for his membership class in a separate document.”

(c) In subparagraph 19-11.006(4)(b)2., F.A.C., the first sentence will now read: “Only members of the regular, special risk, and special risk administrative support classes of employees may use the EZ form, “EZ Retirement Plan Enrollment Form for Regular, Special Risk and Special Risk Administrative Support Class Employees.” Form ELE-1-EZ, rev. 02-04, which is hereby adopted and incorporated by reference.”

(d) In paragraph 19-11.006(4)(c), F.A.C., the introductory language shall now read as follows: “If one of the other forms is used, consistent with the employee’s membership class, or if the employee chooses to submit a separate document, consistent with the employee’s membership class, the employee shall provide the following information.”

(7) In Rule 19-11.007, F.A.C., the last sentence in Rule 19-11.007(5), F.A.C., will now read: “Participants shall use Form IPRO-1, rev. 06/04, “Employee Rollover Deposit Form,” which is hereby adopted and incorporated by reference, to effect rollovers described in this rule.”

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40B-2 Permitting of Water Use

RULE NO.: RULE TITLE:

40B-2.321 Duration of Permits

NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced proposed rule, as noticed in Vol. 30, No. 22, of the Florida Administrative Weekly on May 28, 2004, has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or 1(800)226-1066 (FL only)

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

RULE NO.: RULE TITLE:

60DD-4.002 Definitions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to the proposed rule published in the Vol. 30, No. 25, June 18, 2004 issue of the Florida Administrative Weekly:

60DD-4.002 Definitions.

Definitions. The following terms are defined:

(1) Authorizing Official. An individual with authority to encumber and commit funds on behalf of the Eligible User and to approve expenditures for communications services or equipment procured through the State Technology Office. The Authorizing Official appoints Communications Service Authorization (.CSA.) Administrators to manage the CSA process as set forth in this rule chapter.

(2) Communication Service Authorization Administrator or CSA Administrator. An individual authorized by the Eligible User to manage communication services provided by or equipment procured through the State Technology Office. The CSA Administrator is also authorized to administer the online CSA process on behalf of the Eligible User. The CSA Administrator has the authority to manage the CSA process as set forth in this rule chapter.

(3) Communication Service Provider. Entity providing communications services within the State of Florida. The Communication Service Provider must be in compliance with all applicable laws, including rules or regulations promulgated by the Florida Public Service Commission and the Federal Communications Commission.

(4) CSA System. The State Technology Office’s online system for ordering SUNCOM services that is available to Eligible Users by accessing the website <http://onlinecsa.myflorida.com>. Approved and registered CSA Administrators and CSA Users submit Form STO-COM-9001, incorporated by reference at Rule 60DD-6.006, Florida Administrative Code, and Form STO-COM-9008, incorporated by reference at Rule 60DD-5.002, Florida Administrative Code, through the CSA System to procure services from the State Technology Office on behalf of the Eligible User.

(5) CSA User. An individual approved by the Eligible User’s CSA Administrator to gain access and to perform assigned functions on the State Technology Office SUNCOM

Online Communications Service Authorization and Communications Purchase and Lease Authorization System (.CSA System.).

(6) Eligible User. qualifying user of SUNCOM services ~~as defined in Florida law~~, including state agencies, ~~political subdivisions of the state, county and municipalities agencies,~~ public schools and districts, private, nonprofit elementary and secondary schools (provided they do not have an endowment in excess of \$50 million), state universities, community colleges, libraries, water management districts, state commissions and councils, and non-profit corporations.

Specific Authority 282.102(2), (16) FS. Law Implemented 282.108(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—Formerly 60C-1.002 New 7-20-73, Amended 9-30-75, Formerly 13C-1.02, Amended 9-16-92, Formerly 13C-1.002, Amended _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Winston Pierce, Chief, Bureau of Policy and Regulation Services, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399-0950, (850)922-7501, Winston.Pierce@MyFlorida.Com

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

RULE NO.: 60DD-6.002
RULE TITLE: Definitions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to the proposed rules published in the Vol. 30, No. 25, June 18, 2004 and Vol. 30, No. 33, August 13, 2004 issues of the Florida Administrative Weekly:

60DD-6.002 Definitions.

(1) Eligible User – qualifying user of SUNCOM services, including state agencies, county and municipal agencies, public schools and districts, private, nonprofit elementary and secondary schools (provided they do not have an endowment in excess of \$50 million), state universities, community colleges, libraries, water management districts, state commissions and councils, and non-profit corporations.

(2) State Communications System – State communications system established as the SUNCOM network, pursuant to Section 282.103(1), Florida Statutes.

Specific Authority 282.102(2), (16) FS. Law Implemented 282.102(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—Formerly 60C-6.002, New 6-29-83, Formerly 13C-7.02, 13C-7.002, Amended _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Winston Pierce, Chief, Bureau of Policy and Regulation Services, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399-0950, (850)922-7501, Winston.Pierce@MyFlorida.Com

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-4.001
RULE TITLE: Acupuncture Program Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 6, February 6, 2004, Florida Administrative Weekly has been withdrawn.

Section IV Emergency Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE TITLE: Temporary Restrictions on Importation of
Animals from States Affected with
Vesicular Stomatitis (VS)
5CER04-3

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND WELFARE: Vesicular Stomatitis (VS) is a highly contagious, acute viral disease that affects horses, cattle and swine and occasionally sheep, goats, and deer. It is characterized by blister-like lesions in the mouth and on the dental pad, tongue, lips, nostrils, hooves, and teats. The virus may also cause flu-like symptoms in people working with affected animals. Outbreaks of VS occur sporadically in southwestern states. Although the disease rarely results in animal death, affected animals lose significant weight and condition resulting in significant meat and milk production loss.

In the early stages of the disease, the clinical signs mimic those of Foot and Mouth Disease, a foreign animal disease, which must be ruled out. An outbreak of VS usually results in the implementation of both interstate and international trade restrictions on animals from affected states. Such restrictions result in economic hardships for producers.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: Under this action requiring certification of non-exposure to the vector and disease is justified until the Department has determined that a threat to livestock in Florida no longer exists. This action is fair because without this restriction, Florida's multimillion dollar livestock industry and population is endangered.