

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-103	Construction Aggregates
RULE NOS.:	RULE TITLES:
14-103.001	Scope
14-103.002	Purpose
14-103.003	Definitions
14-103.004	Source Approval Requirements
14-103.005	Supplemental Source Requirements for Alternate Open-Graded Friction Course (FC) Aggregate
14-103.006	Quality Control Program
14-103.007	Approval Levels
14-103.0071	Source and Product Certification Systems
14-103.008	Producer Initiated Status Change
14-103.009	Suspension, Revocation, Expiration, or Denial of Source Approval
14-103.0091	Producer Non-Responsibility
14-103.010	Emergency Action
14-103.011	Sampling and Testing Methods

#### 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. 14, dated April 2, 2004, issue of the Florida Administrative Weekly.

SUMMARY OF CHANGE: In response to reviews by the Joint Administrative Procedures Committee, the Department is making the following changes:

1. General: Statutory authorities: Section 337.164, Florida Statutes, will be deleted from the Law Implemented citations for all rules.

2. 14-103.003: The numbering within this section is being corrected. Specifically, changing (1), (2), (3), (4), (5), (6), (7), (8), (9), (11), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26) to: (1) through (29). In addition, the addition of the word "Aggregate" in the definition for "Independent Assurance Program" required this definition to be moved up in the alphabetic sequence.

3. 14-103.003(6): *Construction Aggregates Manual*: A revised and corrected version of the manual is being incorporated by reference. The reference is changed to reflect the correct reference document as follows:

"(6) "Construction Aggregates Manual" means the Department's manual entitled *Construction Aggregates Manual*, December 1, 2004, prepared by the Department's

Aggregate Control Unit, which prescribes standardized methods of outlining the limits and frequencies for Quality Control sampling and testing of construction aggregates and material quality criteria for Department approval levels, which is incorporated in this rule chapter by reference."

NOTE: Throughout the rule chapter, all references to the manual also are changed to show the addition of an "s" on the word "Aggregates." Also, because of revisions to that manual, all section references are changed from a combination of a Roman Numeral and capital letter in parentheses to a decimal number throughout the rule chapter, e.g. (II)(B) changed to 2.2.

4. 14-103.003(8) [renumbered to (11)]: The document entitled *Instructions for Coding of Aggregate Test Data for Computerization*, dated July 1994, so that the section reads as follows:

(11)(4) "Instructions for Coding of Aggregate Test Data for Computerization" means the Department's manual providing directions for completing standardized forms for the recording of aggregate test data and listing of the Department's aggregate codes, entitled *Instructions for Coding of Aggregate Test Data for Computerization*, dated 1994 ~~Instructions for Coding of Aggregate Test Data for Computerization, prepared by Aggregate Control Unit July 1989, which is incorporated in this rule chapter by reference herein.~~

5. 14-103.003(11)(8) [renumbered to (14)]: The Section is deleted in the current location and moved to a new Section (25) changed to read as follows:

(25) "Sampling and Testing Methods" means the Department's standardized methods of sampling and testing aggregates which are listed in Appendix 20 of the *Construction Aggregates Manual*.

NOTE: Because the reference drops the words "Manual of Florida" in the title reference, all references throughout the rule chapter are changed to delete these words whenever "Sampling and Testing Methods" is referred to within the text and, because of the renumbering of the Appendices of the *Construction Aggregates Manual*, the internal references to Appendix numbers in are revised accordingly.

6. 14-103.004(1): Change "State Materials Engineer" to "Director, Office of Materials" to conform with the official organizational title.

7. 14-103.004(6)(a)4.: Section 334.044(28), Florida Statutes, is added to the Law Implemented citations. After the third sentence, the following sentence is added: "Pursuant to Section 837.06, Florida Statutes, the producer is subject to a charge of perjury if a written false statement is made to a public official." In addition, the use of the "and/or" is changed to "and."

NOTE: The following additional "and/or" references are changed to "and" for clarification of the rules: 14-103.003(13)(c) and 14-103.006(14)(a).

8. 14-103.004(6)(b): The QC test reference is revised to include the specific section citation so that it reads as follows: “The Redistribution Terminal shall also perform additional QC tests as required by Section 1.2.2 of the Construction Aggregates Manual for material received from Type III Mines.

9. 14-103.005(7): The sentence relating to notarization of documents is added as the last sentence in this section as follows: “Pursuant to Section 837.06, Florida Statutes, the producer is subject to a charge of perjury if a written false statement is made to a public official.”

10. 14-103.005(1): Correct the reference to show “14-103.006(14)(c), F.A.C.”

11. 14-103.005(4): At the end of the last sentence, add: “, including all re-handling prior to the load-out of the aggregate.”

12. 14-103.005(7): The word “Program” is deleted in the section title. The reference to ASTM E274-85 is changed to “ASTM E274-97,” and the effective date of 1997, plus an incorporation by reference statement are included so that the section reads as follows:

“(7) Following the selection of a suitable test section, the producer will then provide sufficient material and make the necessary arrangements with the ~~p~~Paving ~~c~~Contractor for construction of the FC-5 test section and FC-5 control section. Any additional costs incurred by the ~~p~~Paving ~~c~~Contractor for the test section and control section will be the responsibility of the producer. The ~~Department’s~~ State Materials Office will design the mixes, monitor construction and obtain samples for evaluation. ~~(8)~~ Friction tests will be conducted by the State Materials Office on the test section immediately after construction, then monthly for two months and thereafter at intervals of two months until the accumulated traffic reaches six million (vehicles) coverage ~~and/or~~ the friction number stabilizes. Friction tests will be conducted at 40 mph in accordance with ASTM E274-97, effective 1997, which is incorporated herein by reference, 85 using both E501 (Rib) and the E524 (Blank) test tires. ~~Additional testing at 60 mph will also be conducted by the State Materials Office if determined to be necessary.~~ In the event that the friction number falls below 30 or the test section is otherwise determined to be a threat to public safety within the first two years of construction completion, the evaluation will be terminated and the producer will bear the cost of removing the FC-5 ~~2~~ and resurfacing the test section with an approved material. Prior to the construction of the test section, the producer must provide a signed and notarized statement agreeing to this responsibility. Pursuant to Section 837.06, Florida Statutes, the producer is subject to a charge of perjury if a written false statement is made to a public official.”

13. 14-103.005(8)(a): The reference to unique characteristics established by the State Materials Office is revised to show a specific reference to these characteristics as follows:

“(a) The aggregate consistently maintaining the unique characteristics established in subsection 14-103.005(4), F.A.C., by the State Materials Office that identify the specific deposit, and”

14. 14-103.005(8)(b): The subsection is revised to clarify the performance characteristics as “smoothness and texture” so that the subsection reads as follows:

“(b) The friction course utilizing the aggregate consistently producing friction numbers and other performance characteristics (smoothness and texture) that the Department considers equivalent to the test section ~~be acceptable~~ on a job by job basis.”

15. 14-103.005: Section 334.044(28), Florida Statutes, is added to the Law Implemented citations.

16. 14-103.006(9): The section is revised to include a specific reference to the criteria used for determining sampling and testing frequencies so that the section read as follows:

“(9) Initial Quality Control. The Department will assign the initial sampling and testing frequencies for newly approved products at a level specified for less than 95% compliance as shown in appendices 1 through 18 of the Construction Aggregates Manual, until a history of test data is developed.”

17. 14-103.006(10): The reference to Rule 14-103.007 is corrected to 14-103.0071.

18. 14-103.006(11): The “and/or” is changed to “and.”

19. 14-103.006(12)(d): The section is changed to include an incorporation by reference statement. The section is changed to read as follows:

“(d) For Federal Aid Department projects, be qualified as an Aggregate QC Manager through the Department’s Aggregate Training and Qualification Program. The Aggregate Technician Training and Qualification Program, effective date 2/2005, is hereby incorporated by reference.”

20. 14-103.006(14): The section is revised as follows, including internal subsection renumbering:

“(a) ~~+~~ Laboratory. On Federal Aid Department projects, pursuant to 23 C.F.R. 637.209, and the Aggregate Technician Training and Qualification program, each source must designate either its own laboratory and or a commercial laboratory for the performance of QC testing. Laboratories so designated must be equipped to run all applicable tests with equipment and technicians meeting Department standards. A list of testing equipment and facilities meeting Department requirements must be submitted. Only a Department approved laboratory shall be used for QC testing. Laboratories shall be qualified under one of the following and have current Department approval during testing of Department products: If the laboratory has not been inspected for compliance with Department methods, as specified in Section 14-103.006(1)(i)3, it must be inspected and found satisfactory prior to approval. Records on instrument calibration and

maintenance, sample collection and analyses times must be maintained at the laboratory. The Department may require a demonstration of the accuracy of the equipment.

1. AASHTO Accreditation Program (AAP) accreditation;

2. Inspected by an accreditation agency on a regular basis per methods used in the source's QCP, with all deficiencies corrected, and under the supervision of a Professional Engineer; or

3. Construction Materials Engineering Council (CMEC) accreditation and other independent inspection programs equivalent to 1. or 2. above.

~~(b)2-~~ QC Technicians. QC technicians must be designated and identified by the producer and include with a list of qualifications; they must have successfully completed the Department's Aggregate and Training Qualification Program for Aggregate Technicians. QC technicians must successfully participate in the Department's Aggregate IAP in order to remain qualified be capable of running all applicable tests, and must demonstrate proficiency to the Department and be certified by the Department for test procedures as applicable.

~~(c)3-~~ Methods. Testing or sampling methods and the equipment, technicians, and procedures to be used as the basis for producer certification of materials must be described in detail and must be by standard Department methods in accordance with the Manual of Sampling and Testing Methods (sections pertaining to aggregates), incorporated by reference under subsection 14-103.003(25)(8), F.A.C. Alternative testing methods and procedures may be used by the producer when such procedures provide, at a minimum, the quality control required by the program. Equivalent, alternative methods must be approved by the Secretary of the Department as meeting the required QC. Prior to utilizing such alternatives the producer must describe the changes proposed in a written proposal and demonstrate that their effectiveness is equal to or better than the standard Department procedures in the Sampling and Testing Methods. Such approval of alternate methods shall be based upon a technical demonstration, through comparison of analyses of replicate samples, that the proposed alternate method measures the relevant characteristics with the same degree of accuracy as the approved method. Prior to utilizing such alternatives the producer must describe the changes proposed in a written proposal and demonstrate that their effectiveness is equal to or better than the standard Department procedures in the Manual of Florida Sampling and Testing Methods. In the case of disputes as to whether certain procedures provide equal control, the procedures specified in the Sampling and Testing Methods required by the Department shall apply.

~~(d)4-~~ Turn-Around-Time. All producers must state the period of time it will take for test results to be available at their QC office and to be reported to the Department inspection personnel in accordance with the limits of Section 1.3 (4)(C) of the Construction Mineral Aggregates Manual.

21. 14-103.006(14)(a)1.: In response to a question regarding the IAP, the following change is made to the definition of "Independent Assurance Program" in Rule 14-103.003: Also, because "Aggregate" has been added to the title, it has been renumbered to 14-103.003(4) and is amended to read as follows:

"(4) "Aggregate Independent Assurance Program (IAP)" means an unbiased and independent evaluation of all the sampling and testing procedures used in the Quality Control Program and the Department's Quality Assurance Program. The Aggregate IAP, dated 2/9/2005, is incorporated herein by reference. The Department will administer the IAP using personnel that do not otherwise have direct responsibility for the specific functions under review."

22. 14-103.0071(1): In the seventh sentence, change "may consider" to will consider" as follows: "The Department will ~~may~~ consider supporting documentation in its evaluation of the data. The Department will investigate the possible cause(s) for any unfavorable comparisons through additional verification inspections, sampling and testing, and review of its own verification procedures."

23. 14-103.0071(1)(c): This subsection is changed as follows:

"(c) The producer shall keep in force the procedures specified in its approved QCP, except upon prior Department approval of a producer-submitted addendum requesting a change."

23. 14-103.0071(2): This sentence relating to frequency of sampling and testing is changed as follows: "The Department will set the QC sampling frequencies at a level specified for less than 95% necessary to establish compliance as shown in Appendices 1 through 18 of the Construction Aggregates Manual."

24. 14-103.0071(2)(f): This subsection is changed to read:

"(f) The producer can request to produce Limitations on the production of aggregate from specific layers, pits, or locations within a mine, and to add other controls or tests addressing specific mining or processing problems, will be imposed for a particular source or product, when practicable and appropriate, to ensure the quality and acceptability of a source or product for use in Department projects. This will include limitations on uses of a product to certain types of projects where there are unique product performance characteristics or interactions."

25. 14-103.008: The reference to Department concurrence is removed so that the section reads as follows:

"14-103.008 Producer Initiated Status Change. A producer may request to be placed on voluntary suspension, or to remove a product or products from its approved products list, for reasons related to problems with the quality or control of its ~~their~~ aggregate."

26. 14-103.009(1)(a): This subsection is changed to read as follows:

“(a) An individual product shall be suspended when QC test results fall within the conditions specified in Section 2.4 of the *Construction Aggregates Manual*.”

Notice was published in Florida Administrative Weekly, Vol. 30, No. 14, April 2, 2004. The rulemaking process has been tolled under the provisions of Section 120.54(3)(e)6., Florida Statutes, pending the resolution of questions from the Joint Administrative Procedures Committee.

**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 NOS.:	RULE TITLES:
33-209.101	Staff Development – Definitions
33-209.102	Minimum Training Requirements
33-209.1025	Professional Certification and Licensure Requirements
33-209.103	Firearms, Chemical Agents, Defensive Tactics and Restraint Devices Training
33-209.104	Training Requests and Assignments
33-209.105	Training Attendance, Performance and Conduct
33-209.106	Contracting for Training Services

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rules, as noticed in Vol. 31, No. 14, April 8, 2005 Florida Administrative Weekly, have been withdrawn.

**DEPARTMENT OF CORRECTIONS**

RULE NO.:	RULE TITLE:
33-302.104	Correctional Probation Officers Carrying Firearms

**SECOND 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. 31, No. 17, April 29, 2005, and Vol. 31, No. 20, May 20, 2005 issues of the Florida Administrative Weekly.

33-302.104 Correctional Probation Officers Carrying Firearms.

- (1) through (2) No change.
- (3) Authorization Procedures.

~~(a) In addition to the requirements of this rule, correctional probation officers who elect to carry firearms shall also be required to comply with training and qualification requirements in accordance with Chapter 943, F.S.~~

~~(a)(b) No change.~~

~~(c) Correctional probation officers who elect to carry firearms while on duty shall complete training and qualification requirements in accordance with Chapter 943, F.S.~~ Correctional probation officers shall not be allowed to carry a firearm on duty until firearms qualification is successfully completed and a weapon card has been issued. Initial qualification, annual qualification and training shall be completed using the specific weapon that the officer will be using on duty and any type of ammunition approved by the local training center. Documentation of the model, make, and serial number of the weapon used, proof of ownership, and firearm inspection by a certified gunsmith or law enforcement armorer shall be submitted along with the documentation of training and qualification in the request for authority to carry the firearm. Correctional probation officers shall not be authorized to carry more than one firearm at a time. This approved single weapon shall be the only weapon authorized to be carried by the correctional probation officer until the annual qualification or transition training has been completed with a different weapon.

(d) through (i) renumbered (c) through (h) No change.

(4) through (11) No change.

Specific Authority 20.315, 790.06, 944.09 FS. Law Implemented 20.315, 790.06, 944.09 FS. History–New 5-28-86, Amended 7-7-92, 12-20-92, 3-30-94, 9-27-94, 12-19-94, 3-8-95, 2-15-98, Formerly 33-24.013, Amended 3-4-01, 12-5-01, 8-13-03, 6-24-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Beth Atchison

**LAND AND WATER ADJUDICATORY COMMISSION**

**Lakewood Ranch Community Development District 7**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
42ZZ-1	Lakewood Ranch Community Development District 7

RULE NOS.:	RULE TITLES:
42ZZ-1.001	Establishment
42ZZ-1.002	Boundary
42ZZ-1.003	Supervisors

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rules as noticed in Vol. 31, No. 4, January 28, 2005, Florida Administrative Weekly has been withdrawn. The rules noted above will be republished in the May 27, 2005, edition of the Florida Administrative Weekly.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
59A-31	Disputed Reimbursement Rule
RULE NOS.:	RULE TITLES:
59A-31.001	Disputed Reimbursement Avoidance
59A-31.002	Disputed Reimbursement Resolution
59A-31.003	Utilization and Reimbursement Dispute Resolution Definitions
59A-31.004	Requirements for Filing a Petition
59A-31.005	Petition Determination
59A-31.006	Penalties

**NOTICE OF CORRECTION**

Notice is hereby given that that it was incorrectly stated in the Florida Administrative Code published on May 6, 2005, Vol. 31, No. 18, that a Rule Development Workshop on Rule Chapter 59A-31, F.A.C., would be held, if requested.

These corrections do not change the substance of the rule.

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: 9:00 a.m. – 12:00 Noon, Thursday, June 30, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Williams, Medical Health Care Program Analyst, AHCA, Workers’ Compensation Unit, 2727 Mahan Drive, Mail Station 27, Tallahassee, Florida 32301

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.:	RULE TITLE:
61G4-21.006	Collection Efforts

**NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 10, March 11, 2005, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting, held on May 13, 2005, voted to change subsection (4) of the proposed rule to read as follows:

“The Board shall attempt to collect from the Contractor repayment of the funds disbursed by any means available to the claimant.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

**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 Dentistry**

RULE NO.:	RULE TITLE:
64B5-12.013	Continuing Education Requirements

**THIRD NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 41, October 8, 2004, issue of the Florida Administrative Weekly. The initial Notice of Change published in Vol. 31, No. 11, March 18, 2005, Florida Administrative Weekly. The Second Notice of Change published in Vol. 31, No. 15, April 15, 2005, Florida Administrative Weekly.

The change is being made in response to comments from the Joint Administrative Procedures Committee.

The change is as follows:

Subsection (3)(h) is amended to read as follows: Up to four (4) hours of credit per renewal cycle may be earned by attending a meeting of the Board of Dentistry wherein disciplinary cases are considered. The licensee must check in with staff prior to the beginning of the disciplinary proceedings. After the conclusion of the meeting, Board staff will issue a certificate of attendance to the licensee. Credit hours shall be awarded on an hour for hour basis up to a maximum of four (4) hours. Credit hours may not be earned when the licensee attends a disciplinary case session as a party to a disciplinary action.

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