

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Mosquito Control Program Administration	5E-13
RULE TITLES:	RULE NOS.:
Definitions	5E-13.021
Eligibility for State Aid Program Directors, Employment and Classification	5E-13.022
Penalty for Failure to Comply with Public Law 92-516, The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) of the U.S. Environmental Protection Agency and Their Rules	5E-13.032
Demonstrable Increase or Other Indicator of Arthropod Population Level	5E-13.036
Mosquito Control Aircraft Registration, Inspection, Security, Storage, Transactions, Recordkeeping, Area-of-Application Information and Forms	5E-13.0371
Protection of Natural Resources and of the Health, Safety, and Welfare of Arthropod Control Employees and the General Public	5E-13.039
Criteria for Licensure of Applicators	5E-13.040
Criteria for Arthropod Control That May Affect Environmentally Sensitive and Biologically Productive Public Lands and Other Public Lands	5E-13.042

PURPOSE AND EFFECT: The purpose of the rule amendment would clarify definitions of licensure and certification, requirements for the mosquito control director's examination, clarify requirements for demonstrating an increase in arthropod population levels and reduce the number of employees a certified applicator can supervise. It will also clarify requirements for training records, for passing the public health pest control examination and for continuing education units for public health pest control certification, and clarify language regarding arthropod control plans.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments address mosquito control activities, licensure and certification including public health pest control certification and licensing, demonstrating an increase in arthropod population levels, supervision by certified applicators, training records, public health pest control examinations and continuing education units, and arthropod control plans for public lands.

SPECIFIC AUTHORITY: 388.361 FS.

LAW IMPLEMENTED: 388.361 FS.

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

TIME AND DATE: 1:00 p.m. – 5:00 p.m., July 21, 2005

PLACE: Eyster Auditorium, 3125 Conner Blvd., Tallahassee, Florida 32399, (850)488-7447

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tom Loyless, Bureau of Entomology and Pest Control, Division of Agricultural Environmental Services, 1203 Governors Square Blvd., Suite 300, Tallahassee, FL 32311, (850)922-7011

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLES:	RULE NOS.:
Standards of National Fire Protection Association Adopted	5F-11.002
Approval of Liquefied Petroleum Gas Containers	5F-11.027
Installation of Containers on Roofs of Buildings	5F-11.028
Inspection of DOT Cylinders	5F-11.029
Out of service account procedure	5F-11.043
Out-of-Gas, Leak Call, and Interrupted Service Procedure	5F-11.044
Dispensing Units	5F-11.045
Introducing Gas into Containers for Transportation; Dealer to Insure Compliance	5F-11.046
Installation of Unvented Room Heaters	5F-11.050

PURPOSE AND EFFECT: The purpose of these rule revisions is to adopt the 2004 edition of National Fire Protection Association Standard #58, The LP-Gas Code, as well as the 2002 edition of National Fire Protection Association Standard #54, the National Fuel Gas Code and to revise references within the existing rules to be consistent with these codes.

SUBJECT AREA TO BE ADDRESSED: This proposed rule will address updates to the existing rules to be current and consistent with the latest edition of these codes.

SPECIFIC AUTHORITY: 527.06 FS.

LAW IMPLEMENTED: 527.06 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Vicki O’Neil, Bureau Chief of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32314-1650 (850)921-8001

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-11.002 Standards of National Fire Protection Association Adopted.

The standards of the National Fire Protection Association for the storage and handling of liquefied petroleum gases as published in NFPA No. 58, LP-Gas Code ~~2004~~ 2001 edition, and for gas appliances and gas piping as published in NFPA No. 54, American National Standard National Fuel Gas Code, ~~2002~~ 1999 edition, shall be the accepted standards for this state, subject to such additions and exceptions as are set forth in these rules. Reference to NFPA 58 and NFPA 54 in these rules shall be to the most recent edition as adopted herein.

(a) Section ~~6.6.7 3-2-10~~ of NFPA 58, ~~2004~~ 2001 edition, titled “Installation of Containers on Roofs of Buildings,” is hereby excluded from adoption.

(2) Each of the NFPA publications listed in subsection (1) above is incorporated by reference in each rule within this rule chapter in which referenced is made to the publication. In each instance, the publication becomes a part of the rule, in the entirety of the publication, or in part thereof, as the rule provides or the context of the rule may require.

(3) “NFPA” is the recognized abbreviation for the National Fire Protection Association, Inc., and generally the abbreviation is used in these rules in identifying the publications of the association. The public may obtain a copy of any NFPA publication by writing the association, whose address is: National Fire Protection Association, Inc., Batterymarch Park, Quincy, Massachusetts 02269.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 8-7-80, Formerly 4A-1.01, Amended 7-18-85, Formerly 4B-1.01, Amended 10-8-86, 2-6-90, 8-9-92, Formerly 4B-1.001, Amended 7-20-95, 7-23-97, 6-8-99, 5-23-00, 9-2-02, _____.

5F-11.027 Approval of Liquefied Petroleum Gas Containers.

Liquefied petroleum gas containers shall be considered approved when designed, fabricated, tested, and marked (or stamped) in accordance with the requirements of Section ~~5.2 2-2-1.3~~, NFPA 58.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 6-5-97, Amended _____.

5F-11.028 Installation of Containers on Roofs of Buildings.

Installation of containers on roofs of buildings as referenced in NFPA 58, Section ~~6.6.7 3-2-10~~ is prohibited.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.062 FS. History—New 6-8-99, Amended 5-23-00, 9-2-02, _____.

5F-11.029 Inspection of DOT Cylinders.

(1) This section pertains to cylinders, which are manufactured to U.S. Department of Transportation (DOT) specifications. DOT cylinders in stationary service that are filled on site, which are not under the jurisdiction of DOT and not requalified according to DOT requirements, shall be inspected according to the following visual inspection criteria:

(a) The cylinder is checked for exposure to fire, dents, cuts, digs, gouges and corrosion according to requirements of Section C.3.2, ~~Annex Appendix~~ C, of NFPA 58.

(b) The cylinder protective collar (where utilized) and the foot ring are intact and are firmly attached.

(c) The cylinder is painted or coated to retard corrosion.

(d) The cylinder pressure relief valve indicates no visible damage, corrosion of operating components, or obstructions.

(e) There is no leakage from the cylinder or its appurtenances that is detectable without the use of instruments.

(f) The cylinder is installed on a firm foundation and is not in contact with the soil.

(g) A cylinder that passes the visual examination shall be legibly marked with the date and year of the examination followed by the letter “E” (example:10-1E indicating requalification in October 2001 by the external visual inspection method.)

(h) The results of the visual inspection shall be documented and a record of the inspection shall be retained for a five-year period.

(2) Any cylinder that fails one or more of the criteria in this section shall not be refilled or continued in service until the condition is corrected. Stationary cylinders shall be visually inspected within 12 years of the date of manufacture and within five years after each subsequent visual inspection.

(3) All DOT cylinders in stationary service on the effective date of this rule, and which are not requalified according to U.S. Department of Transportation standards, shall be inspected according to the criteria of this section no later than January 1, 2008.

(4) Personnel trained and qualified to perform inspection procedures, with such training documented in accordance with Rule 5F-11.060, Florida Administrative Code, shall conduct the visual inspection.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 5-9-04, Amended _____.

5F-11.043 Out of Service Account Procedure.

(1) All licensed suppliers of LP gas shall:

(a) Identify those accounts where stationary, company-owned tanks with a 100 gallon or more container capacity have been out of service for a period of 12 months, and within 60 days, initiate appropriate container abandonment procedures pursuant to Section ~~6.6.6 3-2-9-1(f)~~ of NFPA 58. Alternatively, licensed suppliers may provide for the safe removal of the container or containers, install a suitable

mechanical device that prevents the system from being activated or have a pressure leak safety check pursuant to Annex Appendix D of NFPA 54 performed every 12 months. The supplier shall provide reasonable notice to the customer prior to initiating such procedures.

(b) In the event an account is reactivated, the supplier shall perform an appropriate pressure leak safety check. Each supplier shall maintain records of such inactive accounts suitable for inspection by the Department.

(2) All consumers, end users or owners of LP gas containers shall:

(a) Within 60 days initiate the safety procedures outlined in subparagraph (1)(a) above, for any stationary LP gas tank with a 100 gallon or more container capacity which has not been in use for a period of 12 months.

(b) Alternatively, have a prescribed pressure leak safety check performed annually by licensed, qualified personnel.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 7-23-86, Amended 2-6-90, Formerly 5F-11.044, Amended 4-30-96, 9-2-02,

5F-11.044 Out-of-Gas, Leak Call, and Interrupted Service Procedure.

(1) Prior to filling an LP gas container in an out-of-gas situation, a licensed supplier of LP gas shall:

(a) Close all container valves.

(b) If practical, physically check all appliances and appliance outlets to be certain they are closed and check for evidence of appliance changes and open or uncapped lines.

(c) If the customer is not present or appliances are inaccessible, close container(s) valves and provide adequate written notice to the customer of the work done. Written notice as provided in NPGA #102-91, which is hereby incorporated by reference, shall be deemed adequate.

(d) Fill container(s) or replace safely with filled container(s).

(e) If access is possible, put all appliances back in service, making certain all pilots are properly lighted.

(f) An LP gas serviceman may, subsequent to the filling of an LP gas container in an out-of-gas situation, perform the safety procedures required in subsections (b), (c) and (e) above.

(2) If reason exists to suspect LP gas leakage, an LP gas license holder or its employee shall:

(a) Check for leakage by performing an appropriate leak test pursuant to Annex Appendix D of NFPA 54 as adopted in Rule 5F-11.002, F.A.C.

(b) Make necessary repairs or leave system in a safe condition.

(c) After repairs are made, place the system back into service, pursuant to Chapter 7 Section 4.2, NFPA 54 as adopted in Rule 5F-11.002, F.A.C.

(3) In instances involving the interruption of gas supply to a system, the following procedures shall be followed:

(a) The LP gas license holder or its employee shall check for leakage of the affected areas of the system in accordance with Chapter 7 4 of NFPA 54 as adopted in Rule 5F-11.002, F.A.C.

(b) A leak test of the system as prescribed in Annex Appendix D of NFPA 54 as adopted in Rule 5F-11.002, F.A.C., must be performed prior to placing the system back into service.

(c) A leak test as prescribed in Annex Appendix D of NFPA 54 as adopted in Rule 5F-11.002, F.A.C., shall not be required where the LP gas license holder or its employee has caused the interruption of the gas supply to the system for the purpose of minor repairs to the system, and where the license holder or its employee remains on the system site and monitors the system during the service. However, the repairs shall be leak tested by means of an approved combustible gas detector or a leak detector solution.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 7-23-86. Amended 6-8-88, 2-6-90, 12-31-91, Formerly 4B-1.030, Amended

5F-11.045 Dispensing Units.

(1) In addition to the requirements of NFPA 58 as incorporated by reference in Rule 5F-11.003, F.A.C., all LP gas vehicle fuel dispensers and dispensing stations shall:

(a) Prominently post "No Smoking" signs on the visible or approachable sides and ends of the container.

(b) Prominently post "Flammable Gas" or "Propane" on the visible or approachable sides of the container.

(c) Prominently post proper filling instructions at the transfer location.

(2) Newly installed or relocated vehicle fuel dispensers or dispensing stations, if subject to vehicular traffic, shall be protected by adequate barriers as follows:

(a) The minimum distance for barricade posts from the sides and non-dispensing end of the unit shall be three (3) feet.

(b) Minimum distance for barricade posts around the dispensing end of the tank (scale area) shall be ten (10) feet if the unit is exposed to vehicular traffic parking or traffic patterns.

(c) The minimum standard for barricade posts shall be as follows:

1. Posts must extend three (3) feet below ground and three (3) feet aboveground;

2. Posts must be located three (3) feet apart; and

3. Posts must be constructed of three (3) inch steel pipe or its equivalent.

(d) Natural barriers (such as trees) shall be accepted in lieu of crash posts if the natural barriers provide equivalent protection.

(3) Vehicle fuel dispensers or dispensing stations which have been inactive (out of service) for a period of six (6) months shall be made safe by evacuation of any remaining LP gas from the tank, reducing the tank pressure to vapor pressure and plugging all container openings.

(4) Vehicle fuel dispensers or dispensing stations which have been inactive (out of service) for a period of twelve (12) months shall be removed from the premises.

(5) The requirements for an actuated liquid withdrawal valve pursuant to Section 5.7.7 2-2-3 of NFPA 58 as incorporated by reference in Rule 5F-11.002, F.A.C., shall not apply to dispensing units when such units are equipped with a bottom outlet valve piped for liquid withdrawal or other method of liquid withdrawal that is permanently in place. In such cases, the actuated liquid withdrawal valve may be replaced with an approved valve pursuant to the requirements of NFPA 58.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 6-8-88, Formerly 4B-1.032, Amended 3-15-94, 7-20-95, 6-5-97, 9-2-02, _____.

5F-11.046 Introducing Gas into Containers for Transportation; Dealer to Insure Compliance.

No dealer in liquefied petroleum gas shall introduce liquefied petroleum gas into any container if such is to be transported in any vehicle unless the provisions of NFPA No. 58, ~~Chapter 6 and Chapter 2~~ are complied with. It shall be the responsibility to the dealer to insure that the transportation of any such container brought to his premises and while upon or about his premises complies with the above stated regulations subsequent to filling.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 8-7-80, Formerly 4A-1.15, Amended 7-18-85, Formerly 4B-1.11, Amended 10-8-86, 2-6-90, Formerly 4B-1.011, Amended _____.

5F-11.050 Installation of Unvented Room Heaters.

The following exceptions to the requirements of Section 9.23 6-24 of NFPA 54, ~~1992 edition~~, are adopted with regard to the installation of unvented room heaters:

(1) One listed, wall-mounted, unvented room heater, equipped with an oxygen depletion safety shutoff system may be installed in a bathroom, provided that the input rating shall not exceed 6000 BTU per hour and combustion and ventilation air are provided as specified by Section 8.3 6-1(b) of NFPA 54.

(2) One listed, wall-mounted, unvented room heater equipped with an oxygen depletion safety shutoff system may be installed in a bedroom, provided that the input rating shall not exceed 10,000 BTU per hour and combustion and ventilation air are provided as specified by Section 8.3 6-1(b) of NFPA 54.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 1-24-95, Amended _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Specialization Requirements for Certification

RULE NO.: 6A-4.0251

in Educational Media Specialist
(Grades PK-12) – Specialty Class

PURPOSE AND EFFECT: The purpose of the rule development workshops is to receive information from interested and affected parties relating to proposed changes in the certification requirements for educational media specialists. The effect will be a rule that incorporates the positions and viewpoints of various constituent groups.

SUBJECT AREA TO BE ADDRESSED: Certification requirements for educational media specialists.

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.56 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 1:00 p.m. – 3:00 p.m., July 12, 2005

PLACE: Florida Department of Education, 325 West Gaines Street, Room 503, Tallahassee, Florida 32333

TIME AND DATE: 10:00 a.m. – 12:00 Noon, July 13, 2005

PLACE: Rock Island Professional Development Center, 2301 Northwest 26th Street, Building 7, Ft. Lauderdale, Florida 33311

TIME AND DATE: 10:00 a.m. – 12:00 Noon, July 14, 2005

PLACE: School Board of Osceola County, 817 Bill Beck Boulevard, Kissimmee, Florida 34744

TIME AND DATE: 4:00 p.m. – 6:00 p.m., July 14, 2005

PLACE: Jan Kaminis Platt Regional Library, 3910 Manhattan Avenue, Tampa, Florida 33611

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

If accommodation is needed for a disability in order to participate in one of these meetings, please notify the Bureau of Educator Certification, Department of Education, (850)245-0431, at least seven days prior to the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela Stewart, Deputy Chancellor K-12 Educator Quality, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (850)245-0420

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

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 TITLE: Reimbursement Contract
 RULE NO.: 19-8.010

PURPOSE AND EFFECT: The 2005 Legislature passed CS/SB 1486 and it became law on June 1, 2005. Due to this legislation, an emergency rule was necessary. On June 1, 2005, Emergency Rule 19ER05-1 was filed and became effective. Pursuant to Section 120.54(4), F.S., this emergency rule is effective for only 90 days. Thus, the Florida Hurricane Catastrophe Fund (FHCF) is now entering into the rulemaking process to make the changes made by the emergency rule permanent.

SUBJECT AREA TO BE ADDRESSED: Retentions of Participating Insurers.

SPECIFIC AUTHORITY: 215.555(3) FS.

LAW IMPLEMENTED: 215.555 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, INCLUDING ANY HEARING REQUESTS IS: Jack E. Nicholson, Senior FHCF Officer, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1340

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE FHCF WEBSITE (www.sbafla.com/fhcf) OR OBTAINED AT NO CHARGE BY CONTACTING: Tracy Allen, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1341

REGIONAL PLANNING COUNCILS

Tampa Bay Regional Planning Council

RULE TITLE: Future of the Region: A Strategic
 Regional Policy Plan
 RULE NO.: 29H-9.003

PURPOSE AND EFFECT: Adoption of EAR-based SRPP amendments.

SUBJECT AREA TO BE ADDRESSED: Strategic Regional Policy Plan.

SPECIFIC AUTHORITY: 186.507(2), 186.511 FS.

LAW IMPLEMENTED: 186.508, 186.511 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., July 7, 2005

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Boulevard, Suite 100, Pinellas Park, FL 33782

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: H. Gerald Smelt, AICP, (727)570-5151, Ext. 28, e-mail: gerry@tbrpc.org, website: www.tbrpc.org

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Discharge Gratuity
 RULE NO.: 33-601.502

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that inmates being released to mental health facilities will not receive discharge gratuities.

SUBJECT AREA TO BE ADDRESSED: Inmate discharge gratuities.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.502 Discharge Gratuity.

(1) The secretary shall authorize the payment of a discharge gratuity to inmates discharged from the custody of the Department of Corrections in such amounts as the Legislature may from time to time provide. A discharge gratuity shall be provided to any inmate released on parole, expiration of sentence, pardon or permanent court order, except those inmates released in any of the following situations:

(a) through (b) No change.

(c) Any inmate to be released to the Department of Children and Family Services or a state or county mental health facility under an order for involuntary commitment.

(2) through (4) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-8-76, Formerly 33-7.06, Amended 1-4-87, 1-1-89, 1-18-89, 12-20-91, 4-14-92, 4-28-99, Formerly 33-7.006, Amended 8-28-01, 2-10-04, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Searches of Inmates
 RULE NO.: 33-602.204

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to ensure that searches of female inmates are conducted by female staff except in emergency situations.

SUBJECT AREA TO BE ADDRESSED: Searches of inmates.

SPECIFIC AUTHORITY: 944.09, 944.473 FS.

LAW IMPLEMENTED: 944.09, 944.47, 944.472, 944.473 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.204 Searches of Inmates.

Searches of inmates will be conducted to control the introduction and movement of contraband as well as to prevent escapes. These searches are to be made with discretion.

(1) Searches while clothed.

(a) Searches of clothed male inmates may ~~shall~~ be conducted ~~only~~ by ~~appropriate~~ staff who are ~~may be~~ of the opposite sex from the inmates. Clothed searches of female inmates by male staff will only be conducted during an emergency situation as determined by the shift supervisor. The only exception to this provision is an instance when time and circumstances do not permit the arrival of female staff or consultation with the shift supervisor prior to conducting the search due to an imminent threat of physical violence and a search is needed to secure the inmate to prevent injury to staff or inmates.

(b) through (3) No change.

Specific Authority 944.09, 944.473 FS. Law Implemented 944.09, 944.47, 944.472, 944.473 FS. History—New 4-8-81, Amended 7-3-85, Formerly 33-3.065, Amended 11-2-86, 6-2-94, 1-25-96, 3-24-97, 9-9-97, 12-15-98, Formerly 33-3.0065, Amended 2-8-00,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facilities and Agency Licensing

RULE CHAPTER TITLE: Nurse Registries Standards
 RULE CHAPTER NO.: 59A-18
 and Licensing

PURPOSE AND EFFECT: The Agency proposes to revise the rules in Chapter 59A-18, Florida Administrative Code, consistent with the provisions of Chapter 400, Part IV, Florida Statutes, as amended by the 2005 Legislature. The Agency proposes to update minimum standards for nurse registries

including revising requirements for physician orders, establishing the license fee for the increased licensure period, eliminating the required monthly visit by a registered nurse to patients being served by certified nursing assistants and home health aides, and revising nurse registry licensing application forms. In addition, the Agency proposes to establish minimum criteria for the comprehensive emergency management plan and plan updates as required in Section 400.506(15) and (16), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The proposed rule revision proposes to update the nurse registry rules to conform to statutory changes and establish criteria for emergency management plans and plan updates.

SPECIFIC AUTHORITY: 400.497, 400.506 FS.

LAW IMPLEMENTED: 400.506 FS.

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

TIME AND DATE: 10:00 a.m. – 3:00 p.m., July 6, 2005

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jan Benesh, Agency for Health Care Administration, Home Care Unit, Bureau of Health Facility Regulation, 2727 Mahan Drive, Mail Stop 34, Tallahassee, FL 32308, (850)414-6010, e-mail: beneshj@ahca.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Medicaid Certified School Match Program
 RULE NO.: 59G-4.035

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Certified School Match Program Coverage and Limitations Handbook, January 2005. The effect will be to incorporate by reference in the rule the current Florida Medicaid Certified School Match Program Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Medicaid Certified School Match Program.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906, 409.9071, 409.908, 409.9122, 409.9126, 1011.70 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:30 p.m., Tuesday, July 12, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Deb Vine, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7307

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.035 Medicaid Certified School Match Program.

(1) This rule applies to all school districts enrolled in the Medicaid certified school match program, as described in Section 409.9071, F.S.

(2) All school district providers enrolled in Medicaid under the certified school match program must be in compliance with the Florida Medicaid Certified School Match Program Coverage and Limitations Handbook, January 2005 ~~October 2003~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.9071, 409.908, 409.9122, 409.9126, 1011.70 FS. History—New 4-9-98, Amended 11-23-99, 5-27-01, 10-31-02, 10-28-03,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: RULE NO.:

Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents 61G15-23.003

PURPOSE AND EFFECT: Purpose and effect are to establish rules concerning a license holder’s computer generated representation of his or her seal on electronically conveyed work.

SUBJECT AREA TO BE ADDRESSED: Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

SPECIFIC AUTHORITY: 282.75 FS.

LAW IMPLEMENTED: 471.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-23.003 Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

(1) Engineering work which must be sealed under the provisions of Chapter 471, F.S., information stored or transmitted in an electronic format, files representing plans, specifications, plats, reports, or other documents which must be sealed under the provisions of Chapter 471, F.S., shall be signed, dated and sealed by the professional engineer in responsible charge.

(2) A license holder may use a computer generated representation of his or her seal on electronically conveyed work; however, the final hard copy documents of such engineering work must contain an original signature of the license holder and date or the documents must be accompanied by an electronic signature as described in this section. A scanned image of an original signature shall not be used in lieu of an original signature or electronic signature. Engineering work that contains a computer generated seal shall be accompanied by the following text or similar wording: “The seal appearing on this document was authorized by [Example: Leslie H. Doe, P.E. 0112 on (date)]” unless accompanied by an electronic signature as described in this section.

(3) An electronic signature is a digital authentication process attached to or logically associated with an electronic document and shall carry the same weight, authority, and effect as an original signature. The electronic signature, which can be generated by using either public key infrastructure or signature dynamics technology, must be as follows:

- (a) Unique to the person using it;
- (b) Capable of verification;
- (c) Under the sole control of the person using it;
- (d) Linked to a document in such a manner that the electronic signature is invalidated if any data in the document are changed.

(4)(2) Alternatively, eEElectronic files may be signed and sealed by creating a “signature” file that contains the engineer’s name and PE number, a brief overall description of the engineering documents, and a list of the electronic files to be sealed. Each file in the list shall be identified by its file name utilizing relative Uniform Resource Locators (URL) syntax described in the Internet Architecture Board’s Request for Comments (RFC) 1738, December 1994, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: <ftp://ftp.isi.edu/in-notes/rfc1738.txt>. Each file shall have an authentication code defined as an SHA-1 message digest described in Federal Information Processing Standard Publication 180-1 “Secure Hash Standard,” 1995 April 17, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: <http://www.itl.nist.gov/div897/>

pubs/fip180-1.htm. A report shall be created that contains the engineer's name and PE number, a brief overall description of the engineering documents in question and the authentication code of the signature file. This report shall be printed and manually signed, dated, and sealed by the professional engineer in responsible charge. The signature file is defined as sealed if its authentication code matches the authentication code on the printed, manually signed, dated and sealed report. Each electronic file listed in a sealed signature file is defined as sealed if the listed authentication code matches the file's computed authentication code.

Specific Authority 282.75 FS. Law Implemented 471.025 FS. History--New 8-18-98, Amended _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: RULE NO.:

Guidelines for the Disposition of 64B2-16.003
Disciplinary Cases

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

SUBJECT AREA TO BE ADDRESSED: Guidelines for the Disposition of Disciplinary Cases.

SPECIFIC AUTHORITY: 456.039(3), 456.072, 456.079, 460.405, 460.413 FS.

LAW IMPLEMENTED: 456.039(3), 456.072, 456.079, 460.413(4) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-16.003 Guidelines for the Disposition of Disciplinary Cases.

(1) When the Board finds that an applicant or licensee whom it regulates pursuant to Chapter 460, F.S., has violated the below-listed provisions, it shall issue a final order imposing appropriate penalties, for each count, as set forth in Section

456.072(2), F.S., within the ranges recommended in the following disciplinary guidelines. The identification of offenses are descriptive only; the full language of each statutory provision cited must be considered in order to determine the conduct included. For all persons subject to this rule, conditions of probation may be required following any period of suspension of license and probation will require compliance with conditions as set forth in subsection (3). For applicants, all offenses listed herein are sufficient for refusal to certify an application for licensure. If the Board makes a finding of pecuniary benefit or self-gain related to the violation, then the Board shall require refund of fees billed and collected from the patient or a third party on behalf of the patient. In addition to any other discipline imposed, the Board shall assess the actual costs related to the investigation and prosecution of a case. In addition to or in lieu of any guideline penalties provided herein, if the violation is for fraud or making a false or fraudulent representation, the Board shall impose a fine of \$10,000 per count or offense.

(a) through (k) No change.

(l) Section 460.413(1)(d), F.S.: false/misleading advertising – ~~(citation-offense)~~ from a minimum fine of \$1,000, and a letter of concern, up to a maximum fine of \$7,500 and one year of probation. For a second offense, from a minimum fine of \$2,500 and/or one year of probation to a maximum fine of \$10,000 and/or three months suspension of license. After the second offense, a fine of up to \$10,000 and/or one year suspension to the maximum fine of \$10,000 and/or revocation;

(m) Section 460.413(1)(e), F.S.: non-identifying advertisement – ~~(citation-offense)~~ from a minimum fine of \$500, up to a maximum of one year of probation. After the first offense, from a minimum fine of \$2,000 and one year of probation to a maximum fine of \$5,000 and/or three years suspension. After the second offense, up to a maximum fine of \$10,000 and/or one year of suspension up to revocation;

(n) No change.

(o) Section 460.413(1)(g) or 456.072(1)(i), F.S.: failure to report another – ~~(citation-offense)~~ from a minimum letter of concern and/or a fine of \$500, up to a maximum fine of \$2,000 and/or six months of probation. After the first offense, a minimum of six months of probation and a fine of \$2,000 to a maximum fine of \$10,000 and/or revocation;

(p) through (zz) No change.

(2) through (3) No change.

Specific Authority 456.039(3), 456.072, 456.079, 460.405, 460.413 FS. Law Implemented 456.039(3), 456.072, 456.079, 460.413(4) FS. History--New 1-10-80, Formerly 21D-16.03, Amended 1-28-87, 1-28-90, 6-24-93, Formerly 21D-16.003, Amended 10-26-93, Formerly 61F2-16.003, Amended 7-18-95, Formerly 59N-16.003, Amended 11-4-98, 6-6-02, 5-23-04, 4-13-05, _____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES:	RULE NOS.:
Advertising and Soliciting by Dentists	64B5-4.002
Advertising Speciality Services	64B5-4.004

PURPOSE AND EFFECT: The Board proposes to review the rules to determine whether amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Advertising by dentists.

SPECIFIC AUTHORITY: 466.004(4), 466.019 FS.

LAW IMPLEMENTED: 466.019, 466.028(1)(d), 466.0282 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE:	RULE NO.:
Standard of Care for Office Surgery	64B8-9.009

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the data required for office surgical logs.

SUBJECT AREA TO BE ADDRESSED: Required data for office surgical logs.

SPECIFIC AUTHORITY: 458.309(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(g),(t),(v),(w), 458.351 FS.

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

TIME AND DATE: 2:00 p.m., August 4, 2005

PLACE: Adams Mark Hotel, 225 Coastline Drive, East, Jacksonville, Florida 32202

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE TITLE:	RULE NO.:
Non-Construction Limited Liability Company Members	69L-6.023

PURPOSE AND EFFECT: To allow a member of a non-construction limited liability company to elect to be included in the definition of employee by considering such a member to be a partner for purposes of Section 440.02(15)(c), Florida Statutes. The effect is to exclude members of non-construction limited liability companies from the definition of employee unless the members elect to be included in the definition.

SUBJECT AREA TO BE ADDRESSED: Members of non-construction limited liability companies and their election to be included in the definition of employee pursuant to Section 440.02(15)(c), Florida Statutes.

SPECIFIC AUTHORITY: 440.591 FS.

LAW IMPLEMENTED: 440.02(9), 440.02(15)(c) FS.

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

TIME AND DATE: 9:30 a.m., July 8, 2005

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Andrew Sabolic, Acting Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.023 Non-Construction Limited Liability Company Members.

(1) A member of a limited liability company created and approved under Chapter 608, Florida Statutes, that is not engaged in the construction industry is not an "employee" of the limited liability company, for purposes of Chapter 440, Florida Statutes.

(2) The liability for compensation imposed by Section 440.10, Florida Statutes does not apply as to a member of a limited liability company created and approved under Chapter 608, Florida Statutes, that is not engaged in the construction industry, unless the employer elects a waiver pursuant to Section 440.04, Florida Statutes.

Specific Authority 440.591 FS. Law Implemented 440.02(9), 440.02(15) FS. History—New _____.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: Reports by Insurers of Professional Liability Claims and Actions Required

RULE NO.: 69O-171.003

PURPOSE AND EFFECT: Section 627.912, F.S., requires certain insuring entities to report liability claims. Rule 69O-171.003, F.A.C., now sets up the process by which these claims are reported to the Office.

SUBJECT AREA TO BE ADDRESSED: Professional liability claims.

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.912, 627.918 FS.

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

TIME AND DATE: 9:30 a.m., July 7, 2005

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lee Roddenberry, Property and Casualty Product Review, Office of Insurance Regulation, e-mail: lee.rodzenberry@fldfs.com

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

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE TITLE: Mortgage Broker License Renewal and Reactivation

RULE NO.: 69V-40.043

PURPOSE AND EFFECT: The rule is being amended to update reference to a newly revised Mortgage Broker Renewal Form, revision date of 07/2005. The revised Mortgage Broker Renewal Form is being revised to eliminate the need for brokers to affirmatively mark that they have completed the continuing education requirements. Instead, the new form instructs that a broker's payment of the applicable fee along

with the act of returning the renewal form to the Office of Financial Regulation certifies that the broker has met the required continuing education requirement. This change is procedural only. There is no change to the information required to be submitted or to the applicable fee.

SUBJECT AREA TO BE ADDRESSED: Revision to the Mortgage Broker Renewal Form.

SPECIFIC AUTHORITY: 494.0011(2), 494.0034(2) FS.

LAW IMPLEMENTED: 494.00295, 494.0034 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., July 11, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela Epting, Bureau Chief, Bureau of Regulatory Review, 200 East Gaines Street, Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-40.043 Mortgage Broker License Renewal and Reactivation.

(1) Each active mortgage broker license shall be renewed for the biennial period beginning September 1 of each odd-numbered year upon submission of the statutory renewal fee required by Section 494.0034, F.S., certification of compliance with the continuing education requirements of Section 494.00295, F.S., and a completed renewal form. Form OFR-MB-103, Mortgage Broker License Renewal and Reactivation Form, revised 07/2005 ~~10/04~~, is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(2) through (5) No change.

Specific Authority 494.0011(2), 494.0034(2) FS. Law Implemented 494.00295, 494.0034 FS. History—New 11-2-86, Amended 6-23-91, 11-12-91, 9-3-95, 12-12-99, 2-5-01, 12-9-01, Formerly 3D-40.043, Amended _____.