

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

**DEPARTMENT OF TRANSPORTATION**

<b>RULE CHAPTER NO.:</b>	<b>RULE CHAPTER TITLE:</b>
14-90	Equipment and Operational Safety Standards for Bus Transit Systems
<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
14-90.001	Scope
14-90.002	Definitions
14-90.003	Department Responsibilities and Authority
14-90.004	Bus Transit System Operational Standards
14-90.0041	Medical Examinations for Bus Transit System
14-90.005	Drivers Transit Bus Accidents
14-90.006	Operational and Driving Requirements
14-90.007	Vehicle and Equipment Standards and Procurement Criteria
14-90.008	Standards for Accessible Buses
14-90.009	Bus Safety Inspections
14-90.010	Certification
14-90.011	Inspection of Buses by Law Enforcement Officers
14-90.012	Safety and Security Inspections and Reviews

**NOTICE OF CHANGE**

**SUMMARY OF CHANGE:** The following changes are made in response to a Joint Administrative Procedures Committee review:

1. 14-90.004(3)(h): The effective date of October 1, 2004, is being added for the Code of Federal Regulations citations incorporated by reference.
  2. 14-90.0041(2) Form 725-030-11: The Social Security Number block is being deleted from the form and the revision date of the form is changed to 07/05 and the form number reference within the rule text is corrected to show the form number as 725-030-11 instead of 775-030-11.
  3. 14-90.007(1)(c) and (14): The effective date of October 1, 2004, is being added for the Code of Federal Regulations citations incorporated by reference.
- Notice of rulemaking was published in Vol. 31, No. 18, Florida Administrative Weekly, dated May 6, 2005.

**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."

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
59G-4.002	Medicaid Provider Reimbursement Schedule
59G-4.010	Advanced Registered Nurse Practitioner Services
59G-4.030	Birth Center Services
59G-4.040	Chiropractic Services
59G-4.110	Hearing Services
59G-4.160	Outpatient Hospital Services
59G-4.190	Independent Laboratory Services
59G-4.210	Optometric Services
59G-4.220	Podiatry Services
59G-4.230	Physician Services
59G-4.231	Physician Assistant Services
59G-4.240	Portable X-Ray Services
59G-4.270	Registered Nurse First Assistant Services
59G-4.340	Visual Services

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 16, April 22, 2005, issue of the Florida Administrative Weekly (FAW). In response to written comments received from the Joint Administrative Procedures Committee, the materials being incorporated in the following rules have been revised as follows:

- 59G-4.002 Medicaid Provider Reimbursement Schedule.  
The rule incorporates by reference the Florida Medicaid Provider Reimbursement Schedule. We revised the cover page of the Reimbursement Schedule to correspond with the headings on the fee schedule pages. We revised the titles of the each fee schedule to state the name of the service followed by "fee schedule."
- 59G-4.010 Advanced Registered Nurse Practitioner Services.  
The rule amendment incorporates by reference update January 2005 to the Florida Medicaid Advanced Registered Nurse Practitioner Services Coverage and Limitations Handbook, January 2004. In the January 2005 handbook update, we added

to the note on reserved Appendices D and E that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

59G-4.030 Birth Center Services.

The rule amendment incorporates by reference update January 2005 to the Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 2004. In the January 2005 handbook update, we added to the note on reserved Appendices A, B, and C that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

59G-4.040 Chiropractic Services.

The rule amendment incorporates by reference update January 2005 to the Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, January 2004. In the January 2005 handbook update, we added to the note on Appendix A that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

59G-4.110 Hearing Services.

The rule amendment incorporates by reference update January 2005-2 to the Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2004. In the January 2005-2 handbook update, we added to the note on reserved Appendices A and B that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

59G-4.160 Outpatient Hospital Services.

The rule amendment incorporates by reference update January 2005 to the Florida Medicaid Hospital Services Coverage and Limitations Handbook, March 2003. In the January 2005 handbook update, we added to the note on Appendix C that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

59G-4.190 Independent Laboratory Services.

The rule amendment incorporates by reference update January 2005-1 to the Florida Medicaid Independent Laboratory Coverage and Limitations Handbook, October 2003. In the January 2005-1 handbook update, we added to the note on Appendix E that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

59G-4.210 Optometric Services.

The rule amendment incorporates by reference update January 2005 to the Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2005. In the January 2005 handbook update, we added to the note on Appendix A that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

59G-4.220 Podiatry Services.

The rule amendment incorporates by reference update January 2005 to the Florida Medicaid Podiatry Services Coverage and Limitations Handbook, January 2004. In the January 2005

handbook update, we added to the note on Appendix A that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

59G-4.230 Physician Services.

The rule amendment incorporates by reference update January 2005-1 to the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2004. In the January 2005-1 handbook update, we added to the note on Appendices H, I, J and K that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

59G-4.231 Physician Assistant Services.

The rule amendment incorporates by reference update January 2005 to the Florida Medicaid Physician Assistant Services Coverage and Limitations Handbook, January 2004. In the January 2005 handbook update, we added to the note on Appendices D and E that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

59G-4.240 Portable X-Ray Services.

The rule amendment incorporates by reference update January 2005 to the Florida Medicaid Portable X-Ray Services Coverage and Limitations Handbook, October 2003. In the January 2005 handbook update, we added to the note on Appendix A that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

59G-4.270 Registered Nurse First Assistant Services.

The rule amendment incorporates by reference update January 2005 to the Florida Medicaid Registered Nurse First Assistant Services Coverage and Limitations Handbook, January 2004. In the January 2005 handbook update, we added to the note on Appendix B that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

59G-4.340 Visual Services.

The rule amendment incorporates by reference update January 2005 to the Florida Medicaid Visual Services Coverage and Limitations Handbook, January 2004. In the January 2005 handbook update, we added to the note on Appendix A that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums and Mobile Homes**

RULE NO.:  
61B-23.00215

RULE TITLE:  
Regular Elections; Vacancies  
Caused by Expiration of Term;  
Resignations; Death; Election  
Monitoring

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)l., F.S., published in Vol. 31, No. 17, April 29, 2005, issue of the Florida Administrative Weekly. Proposed DBPR Form CO 6000-9, PETITION FOR APPOINTMENT OF ELECTION MONITOR, will also be amended to reference the implementing rule and provide a time and place for the election.

NOTE: The add/delete coding shown on the following changes reflects changes from text as proposed rather than amendments from current Florida Administrative Code.

Paragraph 61B-23.00215(2)(a), F.A.C., is amended to read:

(2)(a) Form of petition. In order to file a petition for the appointment of an election monitor, a unit owner must complete DBPR FORM CO 6000-9, PETITION FOR APPOINTMENT OF ELECTION MONITOR, incorporated by reference and effective \_\_\_\_\_, available by contacting the Division of Florida Land Sales, Condominiums, and Mobile Homes, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, or shall use a substantial equivalent of the form which shall contain the following information. The form must, as applicable:

- 1. through 8. No change.
9. State the date, place, and time of the election.

Subsection 61B-23.00215(3), F.A.C., is amended to read:

(3) Time to File. The petition for appointment of an election monitor must be filed with the ombudsman not less than 14 days in advance of a planned election to provide sufficient time to process the petition, provide for verification of the signatures, and appoint a monitor. If insufficient time exists to perform these activities, the ombudsman may return the petition for appointment of election monitor and any supporting materials to the owners petitioning for a monitor.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

Table with 2 columns: RULE NO. and RULE TITLE. Row 1: 61G17-5.0043, Obligation of Continuing Education Providers

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 13, April 1, 2005, Florida Administrative Weekly has been withdrawn.

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 Nursing

Table with 2 columns: RULE NOS. and RULE TITLES. Rows: 64B9-17.001 Statement of Intent of Purpose; 64B9-17.002 Definitions; 64B9-17.003 Competency and Knowledge Requirements

NOTICE OF PUBLIC HEARING

The Board of Nursing hereby gives notice of a public hearing on the above-referenced rules to be held on August 10, 2005 at 6:00 p.m. at the Board Meeting in the Adams Mark Hotel, 225 Coastline Drive, Jacksonville, FL 32202. The rule was originally published in Vol. 31, No. 11 of the March 18, 2005 Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, R.N., Ph.D., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FLORIDA HOUSING FINANCE CORPORATION

Table with 2 columns: RULE NOS. and RULE TITLES. Rows: 67-50.001 Purpose and Intent; 67-50.005 Definitions; 67-50.040 General Program Restrictions; 67-50.045 Scattered Site Developments; 67-50.050 HAP Restrictions; 67-50.060 HOME Restrictions

NOTICE OF CHANGE

Notice is hereby given that in response to oral and written comments and non-published technical corrections/clarifications the following changes have been made to Rule 67-50, Florida Administrative Code, as published in Vol. 31, No. 17 of the Florida Administrative Weekly, on April 29, 2005.

PURPOSE, EFFECT AND SUMMARY: The purpose of these rule amendments is to refine the procedures by which the Corporation shall administer the Homeownership Loan Program.

67-50.001 Purpose and Intent.

(2) Administer the Application process, determine loan amounts, and service loans to Developers for the construction of affordable housing and provide purchase assistance to Eligible Homebuyers under the HOME Investment Partnerships (HOME) Homeownership Program as authorized by Section 420.5089, F.S. and HUD regulations, 24 CFR § 92, which is adopted and incorporated into this rule chapter by

reference and which is available on the HUD website at <http://www.hud.gov/offices/cpd/affordablehousing/programs/home/index.cfm> ~~www.hud.gov~~.

#### 67-50.005 Definitions.

(3) "Adjusted Income" means the gross income from wages or assets, cash or non-cash contributions, and any other resources and benefits determined to be income by the U.S. Department of Housing and Urban Development (HUD), adjusted for household size, as defined in 24 CFR § 5.609, formerly known as Section 8, which is adopted and incorporated herein by reference and which is available at <http://www.gpoaccess.gov/cfr/index.html> ~~on the HUD website at www.hud.gov~~.

For HAP, the 4-person income limit will be utilized for households of 1 to 4 persons with adjustments made for additional household members.

(15) "CHDO" or "Community Housing Development Organization" means an organization as defined in Section 420.503(7), F.S. and organized pursuant to ~~24 CFR § 92 HUD Notice CPD 97-11~~, which is adopted and incorporated herein by reference and which is available at <http://www.gpoaccess.gov/cfr/index.html> ~~on the HUD website at www.hud.gov~~.

(21) "Contractor" ~~or "General Contractor"~~ means a person or entity duly licensed by the State of Florida who provides services in accordance with Chapter 489, F.S.

(75) "Project" or "Property" means Project as defined under Section 420.5037, F.S.

#### 67-50.040 General Program Restrictions.

(1) Eligible Developments must:

(a) No change.

(b) Consist of at least four (4) Units, with a maximum of fifty (50) Units, with the exception of Scattered Site Developments which are limited to twenty-five (25) Units homes;

(c) through (d) No change.

#### 67-50.045 Scattered Site Developments.

(1) A Scattered Site Development must meet the definition in subsection 67-50.005(83), F.A.C., under this rule chapter and cannot exceed twenty-five (25) Units. Information in this section is meant to clarify the credit underwriting and environmental review process. All other requirements of HLP still apply.

(4) Upon completion of credit underwriting and approval from the Board, the Developer must identify suitable lots in groups of a minimum of four (4), demonstrate site control for those lots, and provide the appropriate information to all service providers for further analyses relating to environmental impacts, suitability and affordability within six (6) months of Board approval date.

(5) All Scattered Site Developments will be required to undergo an environmental analysis in accordance with ASTM E1528-00 standards, which is adopted and incorporated into this rule chapter by reference and which is available by contacting the Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The analysis must be completed prior to the submission of the group of four (4) or more lots to the Corporation.

(6) For HOME developments only, as an additional HUD requirement, Florida Housing's environmental specialist, or designee, will perform the environmental analysis pursuant to 24 CFR § 92.352, which is adopted and incorporated into this rule chapter by reference and which is available at http://www.gpoaccess.gov/cfr/index.html.

#### 67-50.050 HAP Restrictions.

(6) The terms of the HAP Purchase Assistance Loan made to an Eligible Homebuyer are as follows:

(a) through (b) No change.

(c) A HAP Purchase Assistance Loan is limited to the lesser of twenty five percent (25%) of the purchase price of the house or the amount necessary to enable the purchaser to meet credit underwriting criteria \$30,000.

(d) through (g) No change.

#### 67-50.060 HOME Restrictions.

(8) All contracts for the construction of a Development with 12 or more HOME-Assisted Units must contain a provision requiring that the wages paid to all laborers and mechanics employed for the construction of the Development will not be less than the wages prevailing in the locality, as predetermined by the U.S. Secretary of Labor pursuant to the Davis-Bacon Act, 40 U.S.C. § 276a-265-a-5 (1994), 24 CFR § 92.354, ~~24 CFR CRF § 70 (volunteers) and 40 U.S.C. 276c; which are adopted and incorporated herein by reference and which are available on the HUD website at www.hud.gov~~. Such contracts shall also be subject to the overtime provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C. 327-333 (1994), and the Copeland Act (Anti-Kickback Act) 40 U.S.C. § 276c (1994) and the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), which are adopted and incorporated herein by reference and which are available at <http://www.gpoaccess.gov/cfr/index.html> or <http://www.gpoaccess.gov/uscode/index.html> ~~on the HUD website at www.hud.gov~~.

(10) ~~If the Development contains 12 or more HOME-Assisted Units, Davis Bacon shall apply to all units in the Development.~~ The Corporation requires attendance at a FHFC-sponsored preconstruction conference prior to the commencement of any physical construction activities regardless of the use of HOME funds. No waivers for this conference will be granted.

(13) All HOME Developments must conform to the following federal requirements ~~which are adopted and incorporated herein by reference and available at <http://www.gpoaccess.gov/cfr/index.html> or <http://www.gpoaccess.gov/uscode/index.html>:~~

(a) Equal Opportunity and Fair Housing as enumerated in 24 CFR § 92.202 and 92.250, 42 U.S.C. 2000d et seq., 42 U.S.C. 3601-3620, 42 U.S.C. 6101, and 24 CFR § 5.105(a); ~~which are adopted and incorporated herein by reference and which are available on the HUD website at [www.hud.gov](http://www.hud.gov).~~

(b) Affirmative Marketing as enumerated in 24 CFR § 92.351; ~~which is adopted and incorporated herein by reference and which is available on the HUD website at [www.hud.gov](http://www.hud.gov).~~

(c) Environmental Review as enumerated in 24 CFR § 92.352, 24 CFR § 58 and National Environmental Policy Act of 1969; ~~which are adopted and incorporated herein by reference and which are available on the HUD website at [www.hud.gov](http://www.hud.gov).~~ The Corporation requires HUD Environmental Review clearance prior to commencing any physical construction activities, regardless of the use of HOME funding.

(d) Displacement, Relocation, and Acquisition as enumerated in 24 CFR § 92.353, 42 U.S.C. 4201-4655, 49 CFR § 24, 24 CFR § 42 (Subpart B), and Chapter 104(d) "Barney Frank Amendments"; ~~which are adopted and incorporated herein by reference and which are available on the HUD website at [www.hud.gov](http://www.hud.gov).~~

(e) Labor Standards as enumerated in 24 CFR § 92.354, 40 U.S.C. 276a-276a-5, 24 CFR § 70 (volunteers), and 40 U.S.C. 276c; ~~which are adopted and incorporated herein by reference and which are available on the HUD website at [www.hud.gov](http://www.hud.gov).~~

(f) Lead-based Paint as enumerated in 24 CFR § 92.355, 42 U.S.C. 4821 et seq., 24 CFR § 35 and 24 CFR § 982.401(j) (except paragraph 982.401(j)(1)(i)); ~~which are adopted and incorporated herein by reference and which are available on the HUD website at [www.hud.gov](http://www.hud.gov).~~

(g) Conflict of Interest as enumerated in 24 CFR § 92.356, 24 CFR § 85.36 and 24 CFR § 84.42; ~~which are adopted and incorporated herein by reference and which are available on the HUD website at [www.hud.gov](http://www.hud.gov).~~

(h) Debarment and Suspension as enumerated in 24 CFR § 5; ~~which is adopted and incorporated herein by reference and which is available on the HUD website at [www.hud.gov](http://www.hud.gov).~~

(i) Flood Insurance as enumerated in Section 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106); ~~which is adopted and incorporated herein by reference and which is available on the HUD website at [www.hud.gov](http://www.hud.gov).~~

(j) Handicapped Accessibility as enumerated in 24 CFR § 8 and 24 CFR § 100.205; ~~which are adopted and incorporated herein by reference and which are available on the HUD website at [www.hud.gov](http://www.hud.gov).~~

(k) Equal Opportunity Employment as enumerated in 41 CFR § 60; ~~which is adopted and incorporated herein by reference and which is available on the HUD website at [www.hud.gov](http://www.hud.gov).~~

(l) Economic Opportunity as enumerated in 24 CFR § 13.5; ~~which is adopted and incorporated herein by reference and which is available on the HUD website at [www.hud.gov](http://www.hud.gov).~~

(m) Minority/Women Employment as enumerated in 24 CFR § 85.36(e); ~~which is adopted and incorporated herein by reference and which is available on the HUD website at [www.hud.gov](http://www.hud.gov).~~

The following changes were made to the Application Package – HOMEOWN-0530 (Rev. 8/1/05):

Applicant Certification and Acknowledgement (Exhibit 1):

Certification statement changed as follows:

Pursuant to Section 837.06, Fla. Stat., it is a misdemeanor to make a false statement on this "Application Certification and Acknowledgement". The foregoing information is true, correct, and complete to the best of the Applicant's knowledge and belief. Under the penalties of perjury, I declare and certify that I have read the foregoing and that the information is true, correct and complete.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Reef Fish

RULE NO.: 68B-14.0045

RULE TITLE:

Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits

**NOTICE OF WITHDRAWAL**

The Fish and Wildlife Conservation Commission hereby announces the withdrawal of the Notice of Intent to Adopt a Rule (pursuant to Section 120.54(6), Florida Statutes) regarding the above-referenced proposed rule, published in Vol. 31, No. 11, March 18, 2005 issue of the Florida Administrative Weekly, page 1077.

This Notice of Withdrawal does not affect the Notice of Intent to Adopt a Rule for Rule 68B-14.0045, F.A.C., published in Vol. 31, No. 17, April 29, 2005 issue of the Florida Administrative Weekly, pages 1580-1581.