

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: Pamela King, Executive Director, 4052 Bald Cypress Way, Bin #A06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

RULE TITLES:	RULE NOS.:
Definitions	65D-30.002
Department Licensing and	
Regulatory Standards	65D-30.003
Common Licensing Standards	65D-30.004
Standards for Addictions Receiving Facilities	65D-30.005
Standards for Detoxification	65D-30.006
Standards for Intensive Inpatient Treatment	65D-30.0061
Standards for Residential Treatment	65D-30.007
Standards for Day or Night Treatment	
with Host Homes	65D-30.008
Standards for Day or Night Treatment	
with Community Housing	65D-30.0081
Standards for Day or Night Treatment	65D-30.009
Standards for Intensive Outpatient Treatment	65D030.0091
Standards for Outpatient Treatment	65D-30.010
Standards for Aftercare	65D-30.011
Standards for Intervention	65D-30.012
Standards for Prevention	65D-30.013
Standards for Medication and Methadone	
Maintenance Treatment	65D-30.014

PURPOSE AND EFFECT: Chapter 65D-30, F.A.C., entitled Substance Abuse Services, is being amended to include two new categories of treatment the Department of Children and Family Services will be authorized to license. One category will satisfy a mandate by the Legislature while the second category will fill a gap in the current substance abuse system of care. This includes the development of licensure standards for the new categories of treatment services. In addition, the proposal to amend Chapter 65D-30, F.A.C., will correct provisions in Chapter 65D-30, F.A.C., that are in conflict with current statutory mandates.

SUBJECT AREA TO BE ADDRESSED: Specific program standards related to substance abuse licensable service components and conditions related to issuing an interim license.

SPECIFIC AUTHORITY: 397.321(5),(6) FS.

LAW IMPLEMENTED: 20.19, 397.311(18), 397.409(4) 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: 10:00 a.m. – 12:00 Noon, Monday, August 8, 2005

PLACE: Department of Children and Family Services, 1317 Winewood Boulevard, Building 6, Conference Room A, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Phil Emenheiser, (850)488-9210, e-mail: phil_emenheiser@dcf.state.fl.us

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

Section II Proposed Rules

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Manufactured Buildings	9B-1
RULE TITLES:	RULE NOS.:
Definitions	9B-1.002
Administration and Department	
Responsibilities	9B-1.003
Adoption of Model Codes	9B-1.004
Certification of Third Party Agencies	9B-1.006
Manufacturer Certification	9B-1.007
Design Plan and Systems Approval	9B-1.009
Component System	9B-1.0095
Manufacturer's Quality Assurance	
Manual Control Procedures	9B-1.010
Department Insignia	9B-1.016
Insignia Application and Issuance	9B-1.017
Schedule of Fees	9B-1.020
Change in Manufacturer's Status	9B-1.0211
Manufacturer's Obligations Upon	
Sale of Building	9B-1.0221
Factory-built Schools, Inspections and	
Work Progress Reports	9B-1.028
Factory-built Schools, Insignia and Data Plate	9B-1.030
PURPOSE, EFFECT AND SUMMARY: To clarify Rule Chapter 9B-1, F.A.C., as it relates to Manufactured Buildings Program Procedures; Definitions, Fees; Inspections and Insignias.	

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 320.01(2)(a), 553.37, 553.37(1),(2), 553.38, 553.38(1), 553.381, 553.415 FS.

LAW IMPLEMENTED: 553.36, 553.37(1),(2)-(5),(7),(8), 553.37, 553.38, 553.38(1), 553.415 FS.

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

TIME AND DATE: 10:30 a.m., August 24, 2005

PLACE: Don Shula's Hotel, 6842 Main Street, Miami Lakes, Florida

Any person requiring special accommodations at the hearing because of a disability of physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days prior to the date of the hearing using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Michael D. Ashworth, Manufactured Buildings Program Manager, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-6075, e-mail: michael.ashworth@dca.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-1.002 Definitions.

For the purpose of this chapter, the following words, unless the context does not permit, shall have the meanings indicated:

(1) Third Party Agency ~~Agency (Third Party Agency)~~ –

An individual or entity, which may be a private sector entity, a state department with building construction responsibilities or a local government determined by the Department to be qualified pursuant to this chapter to review plans for or inspect the construction of manufactured building units, systems, or the component parts thereof together with the plans, specifications, and quality control procedures to ensure that such units, systems, or component parts are in full compliance with the codes and standards herein adopted and to assign and attach the insignia of the Department to such units complying with those standards.

(2) No change.

(3) Building Code Information System (BCIS) at www.floridabuilding.org – the official website of the Florida Building Commission and the Florida Building Codes & Standards Office.

(3) through (23) renumbered (4) through (24) No change.

(25) Storage Shed – A closed construction building that is not designed for human habitation, without regard to whether the storage unit is used for residential or commercial purposes. This term does not include a building used to house communications equipment.

(25) through (26) renumbered (27) through (28) No change.

Specific Authority 553.37(1), 553.415 FS. Law Implemented 553.36, 553.415 FS. History–New 1-17-72, Amended 2-23-75, 12-8-75, 3-1-80, 9-29-82, Formerly 9B-1.02, Amended 1-1-87, 3-1-92, 3-1-95, 9-13-01, 7-16-03, _____

9B-1.003 Administration and Department Responsibilities.

(1) Forms – The following forms are hereby adopted by reference for use in administering this part.

FMBP 1-00 Manufacturer Application for State Approval – 1 page

FMBP 2-00 Agency Application for State Approval – 1 page

FMBP PS-1-00 Application for School Boards

FMBP 4-00 Agency Renewal Form (online-2 pages)

Form: Insignia Disposition Report.

(2) through (4) No change.

Specific Authority 553.37(1),(2) FS. Law Implemented 553.37(1),(2), 553.381 FS. History–New 1-17-72, Amended 2-23-75, 3-1-80, 11-1-84, Formerly 9B-1.03, Amended 1-1-87, 1-1-89, 3-1-92, 3-1-95, 9-7-00, 9-13-01, 7-16-03, _____

9B-1.004 Adoption of Model Codes.

(1) through (2) No change.

(3) Building Official – For purpose of this chapter, where reference is made in any of the above mentioned codes in Rule 9B-1.004, F.A.C., to the building official, the plumbing or mechanical inspector, to the administrative authority or enforcement official, or to any such authoritative person, it shall mean the Manufactured Buildings Program Manager Administrator.

(4) A copy of the above referenced Florida Building Code has been filed with the Secretary of State. The Florida Building Code is also available for reference and inspection at the Department of Community Affairs, Building Codes & Standards Office or online at www.floridabuilding.org Manufactured Buildings Program.

(5) through (7) No change.

Specific Authority 320.01(2)(a), 553.37(1), 553.38(1), 553.415, 553.73(2) FS. Law Implemented 553.37(8), 553.38(1), 553.415 FS. History–New 1-17-72, Amended 6-19-74, 2-23-75, 12-21-76, 3-20-79, 3-1-80, 6-24-80, 9-29-82, 1-29-84, 11-1-84, Formerly 9B-1.04, Amended 1-1-87, 1-1-89, 1-1-90, 3-1-92, 3-1-95, 9-13-01, 7-16-03, _____

9B-1.006 Certification of Third Party Agencies.

(1) through (4)(c) No change.

(d) The agency shall ~~triennially~~ ~~biennially~~ evaluate manufacturer's quality assurance (control) program to coincide with the change in the Florida Building Code. The Agency shall post the Quality Control (QC) Manual on the BCIS and maintain copies on file, available for monitoring.

(5) through (6) No change.

Specific Authority 553.37(1), 553.38(1) FS. Law Implemented 553.37(8) FS. History—New 1-17-72, Amended 2-23-75, 12-8-75, 11-14-76, 3-23-77, 3-1-80, 9-29-82, 4-21-83, 11-1-84, Formerly 9B-1.06, Amended 1-1-87, 3-1-92, 3-1-95, 9-13-01, 7-16-03, _____.

9B-1.007 Manufacturer Certification.

(1) No change.

(2) Initial Certification Requirements – A manufacturer must submit to the Third Party Agency for validation to the Department ~~department~~ the following for certification:

(a) No change.

(b) Identification of principals which shall at a minimum include the positions ~~names~~ of partners if the manufacturer is a partnership or its officers, directors, controlling owners and registered agent if the manufacturer is a corporation.

(c) No change.

(d) A Quality Assurance Program Manual which also may be called Quality Control Manual (QC Manual) ~~in triplicate~~.

(3) through (4) No change.

Specific Authority 553.37(1), 553.38(1), 553.381 FS. Law Implemented 553.37(8), 553.38(1) FS. History—New 1-17-72, Amended 2-23-75, 11-14-76, 3-1-80, 11-4-84, Formerly 9B-1.07, Amended 1-1-87, 1-1-89, 3-1-95, 9-7-00, 9-13-01, 7-16-03, _____.

9B-1.009 Design Plan and Systems Approval.

(1) through (2) No change.

~~(a)~~ Completed sets of design plans and specifications, prepared by an architect or engineer licensed to practice in the State of Florida, except as exempted by Florida law; supporting calculations and any required test results for each system and prototype to be approved. Based on compliance with the codes in Rule 9B-1.004, F.A.C., the Third Party Agency's plans examiner licensed under Chapter 468, F.S., shall approve or disapprove the manufacturer's submittal. If the submittal is approved, the individual shall affix a stamp authorized by the Department on each sheet. Plans drawn to a scale less than 1/8" to the foot are not acceptable. Plans shall be legible for reproduction purposes.

~~(b) If the residential manufactured building is transportable in one or more sections and is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis, the manufacturer shall certify that the manufactured building has been excluded from regulation by the United States Department of Housing and Urban Development.~~

(3) No change.

(4) A licensed modular plan reviewer shall review each set of documents so submitted, including the plans, specifications and design calculations, for compliance with the appropriate code and this part and shall utilize a checklist. The plans review and the checklist utilized therewith shall at a minimum contain the following elements and comply with Rule Chapter 9B-72, F.A.C.:

(a) through (6) No change.

(7) Manufacture's Modular Data Plate. The manufacturer shall install on all manufactured (modular) buildings ~~industrialized~~ and components prior to leaving the manufacturing plant a data plate which shall be permanently mounted on or about the electrical panel and which shall contain, but not be limited to, the following design information when applicable.

(a) through (g) No change.

~~(h) Florida Insignia Number;~~

(h) through (p) renumbered (i) through (q) No change.

Specific Authority 553.37(1) FS. Law Implemented 553.38(1) FS. History—New 1-17-72, Amended 2-23-75, 3-1-80, 9-29-82, 1-29-84, 11-1-84, Formerly 9B-1.09, Amended 1-1-87, 3-1-92, 3-1-95, 9-13-01, 7-16-03, _____.

9B-1.0095 Component System.

(1) through (3)(c) No change.

(d) All components shall comply with the applicable building codes and Rule Chapter 9B-72, F.A.C.

Specific Authority 553.37, 553.38 FS. Law Implemented 553.37, 553.38 FS. History—New 9-13-01, Amended 7-16-03, _____.

9B-1.010 Manufacturer's Quality Assurance Manual Control Procedures.

The manufacturer's Quality Control Manual shall at a minimum contain the following information.

(1) Organizational Element:

(a) No change.

(b) An organizational chart showing responsible management and supervisory positions by title ~~and name~~. A job description for each of the positions shall be provided.

(c) Brief qualifications ~~resume~~ of all personnel in management and supervisory positions including the Quality Control Manager ~~showing education and experience~~.

(d) through (5) No change.

Specific Authority 553.37(1) FS. Law Implemented 553.37(1),(8) FS. History—New 1-17-72, Amended 2-23-75, 3-1-80, 9-29-82, Formerly 9B-1.10, Amended 1-1-89, 3-1-92, 3-1-95, 9-7-00, 9-13-01, _____.

9B-1.016 Department Insignia.

(1) through (6) No change.

(7) Insignias shall be mailed to the manufacturer's inspection agency for release to the Manufacturer's Quality Assurance person when the inspection agency is satisfied that the building or component meets the Florida Building Code.

The Department shall reissue insignias if it is notified by the Third Party Agency that the insignias have not been received within fifteen days from the date of mailing.

(8) The agency or manufacturer's Quality Assurance person shall affix insignias to buildings only after inspection and determination that the building or component is in compliance with the building codes.

(9) through (10) No change.

(11) Affixing insignia to a building or components which has code deficiencies or do not conform to the approved plan, shall be grounds for decertification of the manufacturer or agency or both. In such case, the insignia shall be removed by the agency, manufacturer's Quality Assurance person or the Department.

Specific Authority 553.37(1) FS. Law Implemented 553.37(1)-(5), 553.38 FS. History--New 1-17-72, Amended 9-17-73, 2-23-75, 3-1-80, 6-24-80, 9-29-82, 11-1-84, Formerly 9B-1.16, Amended 1-1-87, 3-1-92, 3-1-95, 9-13-01, 7-16-03,_____.

9B-1.017 Insignia Application and Issuance.

(1) No change.

(2) Insignias shall be issued to the manufacture's Third Party Agency and shall not be affixed to a building until the inspection agency has completed the inspections required in the Florida Building Code, Rule 9B-1.008, F.A.C., found the building to be in compliance with the requirements of this chapter and entered the Inspection Report on the BCIS. If an insignia is for a modified building, after the modifications are completed and the building inspected, the original insignia shall be removed and returned to the Department by the inspection agency or Quality Assurance person and the new insignia affixed.

Specific Authority 553.37(1) FS. Law Implemented 553.37, 553.38 FS. History--New 1-17-72, Amended 9-27-73, 2-23-75, Formerly 9B-1.17, Amended 1-1-87, 3-1-92, 3-1-95, 7-16-03,_____.

9B-1.020 Schedule of Fees.

The Department shall charge the following fees for the indicated items:

(1) Manufacturer's initial application fee is \$300 plus \$300 for the triennial certification. The triennial renewal fee is \$300. Each additional plant will be assessed an initial application fee of \$100 plus \$150 triennial certification. The triennial renewal fee is \$150. Third Party Agency's initial application fee is \$600 plus \$900 for the triennial certification. The triennial renewal fee is \$900.

Insignia fees:

(a) Factory-built schools fee is \$20 per building.

(b) Components (Panels) fee is \$3 per panel. The insignia will be affixed to each panel prior to leaving the factory.

(c) Storage sheds (less than 720 square feet in area) fee is \$7.

(d) Manufactured buildings fee is \$55 per module, including storage sheds over 720 square feet. Manufacturer's certification application fee is \$300. Once a manufacturer has

~~had at least one manufacturing facility certified, the manufacturer shall pay an application fee of \$100 for each additional manufacturing facility to be certified.~~

~~(2) Third Party Agency's initial application fee is \$600 plus \$900 for the triennial certification. The triennial renewal fee is \$900. Third Party Agency certification application fee is \$600.~~

(3) Insignia fees:

(a) Factory-built schools fee is \$20 per building;

(b) Components (Panels) fee is \$3 per panel. The insignia will be affixed to each panel prior to leaving the factory;

(c) Storage sheds (less than 720 square feet in area) is \$7;

(d) Manufactured buildings fee is \$55 per module, including storage sheds over 720 feet. Manufacturers will be assessed a \$300.00 fee for certification and upon renewal for the initial manufacturing facility and a \$150.00 fee for certification and renewal each manufacturing facility thereafter.

(4) All fees are non-refundable, unless otherwise approved by the Department. Inspections/Plans Review Agency will be assessed a \$900 fee for certification and upon renewal.

~~(5) Field technical service \$40.00 per man hour, plus expenses payable when service is rendered.~~

(6) Insignia Fees:

~~(a) Factory built school used in the public school system insignia fee is \$30.00 for each building.~~

~~(b) Panelized Construction for Modular Residential or Commercial Buildings erected at installation site. The insignia fee shall be determined in the following manner: Three dollars (\$3.00) per 100 square feet of floor area or major fraction thereof, based upon the plan with the largest floor area for each of the following sub-systems:~~

~~1. Foundation;~~

~~2. Floor;~~

~~3. Interior Walls;~~

~~4. Exterior Walls;~~

~~5. Ceiling and/or Roof;~~

~~The insignia shall be affixed to each panel prior to the panel leaving the manufacturing facility.~~

~~(c) Manufactured buildings that are less than 720 square feet in area as installed, and are not approved for use for human habitation such as storage sheds and lawn storage buildings: \$10.00 per building.~~

~~(d) Manufactured buildings and components not otherwise provided above: \$60.00 per module.~~

~~(7) All fees are non-refundable.~~

Specific Authority 553.37(1) FS. Law Implemented 553.37(7) FS. History--New 1-17-72, Amended 2-1-72, 2-23-75, 12-8-75, 3-20-79, 3-1-80, 9-29-82, 11-1-84, Formerly 9B-1.20, Amended 1-1-87, 1-1-89, 1-1-90, 3-1-92, 3-1-95, 9-13-01,_____.

9B-1.0211 Change in Manufacturer's Status.

(1) Change of Ownership – When the ownership of a manufacturer changes, the new owner shall take the following steps:

(a) through (b) No change.

(c) Submit an organizational chart of the management identified by title ~~and name~~ of officers.

(d) through (3)(b) No change.

(c) The new agency shall review and approve the existing or an updated Quality Control Manual of the manufacturer and post on the BCIS submit to the department.

(4) Termination of state certificate – When a manufacturer or an agency decides to discontinue doing business, the department shall be informed in writing at least thirty (30) days in advance and such discontinuance shall act as a resignation of the certification. Any subsequent resumption of business activities by a manufacturer or agency will require a new application.

Specific Authority 553.37(1) FS. Law Implemented 553.37(1),(4) FS. History–New 9-13-01, Amended 7-16-03, _____.

9B-1.0221 Manufacturer's Obligations Upon Sale of Building.

The manufacturer shall provide a TRANSPORTATION AND INSTALLATION BOOKLET with each new building and component package. ~~This requirement shall not apply to manufactured buildings which are being modified and not otherwise manufactured.~~ It shall include:

(1) Precautions and instructions for transportation of buildings and modules; and

(2) No change.

Specific Authority 553.38 FS. Law Implemented 553.38 FS. History–New 9-13-01, Amended _____.

9B-1.028 Factory-built Schools, Inspections and Work Progress Reports.

(1) All site installation and annual inspections are the responsibility of the School Board. The DCA insignia attests only to compliance of the building with the Florida Building Code and not any site plans or site related issues. Recurring inspections. Factory built schools shall be inspected once each year to determine continued compliance with the applicable standards. Noncompliance shall result in the building being found unsatisfactory. Unsatisfactory findings shall be reported to the Department and identified on the Building Code Information System.

(2) No change.

Specific Authority 553.415 FS. Law Implemented 553.415 FS. History–New 9-13-01, Amended 7-16-03, _____.

9B-1.030 Factory-built Schools, Insignia and Data Plate.

(1) ~~Generally.~~ Each factory-built school building utilized for educational purposes shall bear the “SREF/school” insignia of the Department and a data plate. ~~Application for insignia shall be made by the educational entity utilizing the factory built school or another in privity with the education entity acting on behalf of and in the name of the educational entity on the form designated in Rule 9B 1.003, F.A.C. Insignia shall be issued to the educational entity in whose name application for the insignia is made.~~ The data plate shall be fabricated by the manufacturer of new buildings and the owner of existing buildings of durable material with the required information inscribed thereon. The insignia and data plate shall be permanently mounted on or about the electrical panel. Insignia shall be mounted on the building for which the insignia has been issued by the inspector having completed the inspection of the building as installed. Insignia and data plates are non-transferable. The data plate shall provide the following information:

(a) through (g) No change.

~~(h) Florida insignia number;~~

(i) through (t) renumbered (h) through (u) No change.

Specific Authority 553.415 FS. Law Implemented 553.415 FS. History–New 9-13-01, Amended _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 10, 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.”

PUBLIC SERVICE COMMISSION

DOCKET NO. 050378-TP

RULE TITLE:

RULE NO.:

Regulatory Assessment Fees;

Telecommunications Companies

25-4.0161

PURPOSE AND EFFECT: The purpose of the rule amendment is to streamline the process of Regulatory Assessment Fee (RAF) collections by codifying the penalty amount and defining when a penalty will be imposed upon a certificated or registered telecommunications company that fails to pay RAF. The changes should reduce the Commission's cost of collecting RAFs and ensure all certificated and registered companies are treated consistently.

SUMMARY: The rule amendment codifies the procedures to be followed and the penalty amounts to be imposed for a telecommunications company's filing of a regulatory assessment fee return after the due date and after the company has received a delinquency notice.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is anticipated that implementation of the rule will result in a decrease in enforcement costs for collection of delinquent RAFs.

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

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 350.113, 364.285, 364.336 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE THE PROPOSED RULES IS: Christiana T. Moore, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245, e-mail: cmoore@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

25-4.0161 Regulatory Assessment Fees; Telecommunications Companies.

(1) through (8) No change.

(9) The Division of the Commission Clerk and Administrative Services shall send by certified mail a regulatory assessment fee delinquency notice to any company that fails to file a regulatory assessment fee return and that fails to pay the regulatory assessment fee by the date specified in subsection (2), unless the company has met the requirements of subsections (6) and (7).

(10) If a company fails to pay the regulatory assessment fee within 15 days after receiving a delinquency notice, the Division of the Commission Clerk and Administrative Services, in cooperation with the Division of Competitive Markets and Enforcement and the Office of General Counsel, will establish a docket and administratively issue a Notice of Proposed Agency Action Order Imposing Penalties and Collection Costs, and Requiring Payment of Delinquent Regulatory Assessment Fees, or Cancelling Certificates or Removing From the Register for Violation of Rule 25-4.0161, Florida Administrative Code, and Section 364.336, Florida Statutes. The company must pay the past due regulatory assessment fees, the penalty and interest for late payment as provided in Section 350.113, Florida Statutes, and as stated in subsection (8) above, and must also pay the applicable penalty stated in subsection (11) for failure to file the regulatory assessment fee return.

(11) Pursuant to Section 364.285, Florida Statutes, the Commission has the authority to impose a penalty or cancel a certificate or registration if a company refuses to comply with Commission rules, orders, or Florida Statutes. The penalty, which will include collection costs, for failure to file the regulatory assessment fee return by the date stated in the delinquency notice shall be as follows:

(a) First violation – \$500

(b) Second violation – \$1,000

(c) Third violation – \$2,000

Failure of the company to pay the full amount due and stated in the Notice of Proposed Agency Action will result in the cancellation of the company's Certificate of Public Convenience and Necessity, or will result in the cancellation of the company's tariff and removal of its name from the Commission's register, whichever is applicable.

(12) For a company's fourth failure to pay the regulatory assessment fee after being sent a delinquency notice, Commission staff shall file a recommendation to the Commission for further action.

(13) A company that reapplies for a Certificate of Public Convenience and Necessity, or refiles for registration, must pay all prior unpaid regulatory assessment fees, plus the penalty and interest defined in subsection (8), and any prior unpaid penalty assessed in accordance with subsection (10).

Specific Authority 350.127(2) FS. Law Implemented 350.113, 364.285, 364.336 FS. History—New 5-18-83, Formerly 25-4.161, Amended 10-19-86, 1-1-91, 12-29-91, 1-8-95, 12-26-95, 7-7-96, 11-11-99, 12-7-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ray Kennedy

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: Vol. 31, No. 11, March 18, 2005

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, and to provide for payment of an additional hardship gratuity.

SUMMARY: The proposed rule provides that inmates being released to state or county mental health facilities will not receive discharge gratuities. The rule also provides for payment of an additional gratuity in cases where the inmate is released with no source of income.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Perri King Dale, Office of the General
Counsel, Department of Corrections, 2601 Blair Stone Road,
Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE 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.

(5) In hardship cases where, as determined by the Secretary or the Warden, the best interests of the inmate and the state would be served by the payment of more than the standard gratuity, an additional gratuity shall be provided, the total of such gratuity not to exceed twice the gratuity authorized by the Legislature. Consideration for this additional gratuity shall be given to any inmate who has:

(a) No employment or residence available upon release; and

(b) No evidence of any continuous source of revenue or income such as social security benefits; or

(c) A medical condition requiring continuous treatment and no immediate source of income or financial support.

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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Franchatta Barber, Deputy Assistant Secretary – Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: George Sapp, Assistant Secretary of
Institutions

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 13, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 17, 2005

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Transportation Services

RULE NO.: 59G-4.330

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Transportation Coverage, Limitations, and Reimbursement Handbook, July 2005. The handbook revisions include the following: the provision of non-emergency transportation services through a contracted vendor; policy for authorizing

ambulance transportation based on Medicare's ambulance transportation medical condition codes; and modifications to procedure codes and claim forms for HIPAA compliance. The effect will be to incorporate the revised Florida Medicaid Transportation Coverage, Limitations and Reimbursement Handbook, July 2005, in rule.

In the Notice of Rule Development, published in the Florida Administrative Weekly on May 6, 2005, we stated the effective date of the Florida Medicaid Transportation Coverage, Limitations, and Reimbursement Handbook, was November 2004. We revised the effective date to July 2005.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Transportation Coverage, Limitations, and Reimbursement Handbook, July 2005. The effect will be to incorporate the revised Florida Medicaid Transportation Coverage, Limitations and Reimbursement Handbook, July 2005, in rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.907, 409.908, 409.9081, 409.910, 409.913 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: 2:00 p.m., Monday, August 22, 2005

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Conference Room B, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Glen Davis, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)488-4481

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.330 Transportation Services.

(1) No change.

(2) All transportation providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Transportation Coverage, Limitations and Reimbursement Handbook, July 2005 ~~July 1997~~, incorporated by reference. The handbook is available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.9081, 409.910, 409.913 FS. History—New 1-1-77, Amended 10-1-77, 1-27-81, 8-28-84, Formerly 10C-7.45, Amended 4-13-93, Formerly 10C-7.045, Amended 1-7-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Glen Davis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 6, 2005

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 Clinical Laboratory Personnel

RULE TITLE: Definitions **RULE NO.:** 64B3-2.003

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

SUMMARY: The proposed rule amendment updates the existing language in this rule.

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

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

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.803, 483.811, 483.821, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-2.003 Definitions.

(1) through (18) No change.

(19) Manual Pretesting procedures means collecting and labeling specimens; initially separating specimens by centrifugation prior to testing; receiving specimens and requisitions, processing, sorting, accessioning, prior to testing and delivering specimens to the appropriate testing sites; specimen processing for storage and shipping to a reference laboratory; routine hematology and microbiology slide

preparation from a primary sample; loading automated stainers; cytopreparatory staining; measuring and aliquoting specimens; and direct primary inoculation of microbiology cultures; and loading specimens onto automated sampling or processing systems. Placement of specimens onto an automated instrument or system is considered a manual pretesting duty, provided it does not include any activity that initiates the analytic process.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.803, 483.811, 483.821, 483.823 FS. History—New 11-4-93, Formerly 61F3-2.003, Amended 11-21-94, 11-30-94, 12-26-94, 5-3-95, 7-12-95, Formerly 59O-2.003, Amended 3-19-98, 12-13-98, 3-28-99, 9-12-99, 11-15-99, 3-24-02, 10-30-02, 2-1-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Clinical Laboratory
Personnel

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 3, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: May 13, 2005

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Standards of Practice

RULE NO.: 64B8-9.007

PURPOSE AND EFFECT: The proposed rule amendment deletes an inconsistency in the rule with regard to the application of the rule.

SUMMARY: The proposed rule amendment deletes subsection (5) of the rule, which is inconsistent with the remainder of the rule.

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

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

SPECIFIC AUTHORITY: 458.309 FS.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.007 Standards of Practice.

The Board of Medicine interprets the standard of care requirement of Section 458.331(1)(t), F.S., and the delegation of duties restrictions of Section 458.331(1)(w), F.S., with regard to surgery as follows:

(1) through (4) No change.

~~(5) The rule shall have no application to anesthesia related activities performed in accordance with Florida law.~~

Specific Authority 458.309 FS. Law Implemented 458.331(1)(t),(v),(w) FS. History—New 11-28-91, Formerly 21M-20.015, 21M-27.007, 61F6-27.007, 59R-9.007, Amended 2-18-04, _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 4, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 1, 2005

DEPARTMENT OF HEALTH

School Psychology

RULE TITLE: Application Fees

RULE NO.:

64B21-501.005

PURPOSE AND EFFECT: The Department of Health proposes to update the rule based upon new legislation.

SUMMARY: This amendment establishes a \$50.00 non-refundable application fee for a retired status license.

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

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

SPECIFIC AUTHORITY: 490.015, 456.013 FS.

LAW IMPLEMENTED: 490.005, 490.006, 456.036(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Paula Jones, Programs Operations
Administrator, Office of School Psychology/MQA, 4052 Bald
Cypress Way, Bin #C05, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B21-501.005 Application Fees.

(1) through (2) No change.

(3) The non-refundable application fee for retired status licensure is \$50.

Specific Authority 490.015, 456.013 FS. Law Implemented 490.005, 490.006 FS. History—New 8-27-84, Amended 12-16-84, 2-21-85, Formerly 21U-501.05, Amended 1-28-92, 6-21-92, Formerly 21U-501.005, 61E9-501.005, Amended 9-9-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Paula Jones

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Amy Jones

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 1, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 24, 2005

DEPARTMENT OF HEALTH

Dental Laboratories

RULE TITLE: Dental Laboratory Biennial Registration RULE NO.: 64B27-1.002

PURPOSE AND EFFECT: The Department of Health proposes to update the rule regarding laboratory closures.

SUMMARY: This amendment requires the operator to provide notification of the closure of a laboratory and notifies that failure to notify is grounds to deny a registration application.

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

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

SPECIFIC AUTHORITY: 466.038 FS.

LAW IMPLEMENTED: 466.032(1), 466.033 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B27-1.002 Dental Laboratory Biennial Registration.

The Department shall issue a registration certificate entitling the holder to operate a dental laboratory for a period of two years, after the Department has received from the registering person, firm, or corporation:

(1) through (2) No change.

(3) The operator of a dental laboratory shall notify the Department and shall return the certificate of registration to the Department within 30 days of its closing. Timely notification of the closure of a laboratory shall not in and of itself constitute grounds to deny the operator the ability to register other laboratories. Failure to timely notify the Department of the closure of a laboratory is grounds to deny an application for registration of a laboratory.

Specific Authority 466.038 FS. Law Implemented 466.032(1), 466.033 FS. History—New 2-10-93, Formerly 21-29.002, 61E4-1.002, Amended 10-29-95, Formerly 59CC-1.002, Amended 1-9-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sue Foster

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Amy Jones

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 16, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 1, 2005

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
5C-20	Dangerous Transmissible Diseases
RULE NOS.:	RULE TITLES:
5C-20.002	Declaration; Requirement to Report
5C-20.004	Requirement to Report Suspicious Disease Incidents

NOTICE OF CHANGE

Notice is hereby given that the proposed Chapter 5C-20, F.A.C., published in the Florida Administrative Weekly, Vol. 31, No. 24, June 17, 2005, has been changed to reflect industry comments and remarks from the Joint Administrative Procedures Committee.