

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. IF A WORKSHOP IS NOT REQUESTED, NO WORKSHOP WILL BE HELD.

TIME AND DATE: 10:00 a.m., November 28, 2005

PLACE: Main Auditorium, Florida State Fire College, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Walter Malo, Safety Program Manager, Bureau of Fire Standards & Training, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486, phone (352)369-2800

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, F.S., any person requiring special accommodations to participate in this program, please advise the Department at least 48 hours before the program by contacting Angie Cain, (352)369-2818.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-62.021 General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs.

The following are the guidelines for a Firefighter Employer Comprehensive Safety and Health Program. These guidelines shall be used by all firefighter employers ~~that are notified by the division that they have a high frequency or severity of workers' compensation claims to prepare their Firefighter Employer Comprehensive Safety and Health Remediation Plan.~~

(1) through (7) No change.

Specific Authority 633.821 FS. Law Implemented 633.821 FS. History--New 9-6-04, Amended.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE CHAPTER TITLE: Life Expectancy Providers
 RULE CHAPTER NO.: 69O-204

PURPOSE AND EFFECT: To implement regulatory structure over life expectancy providers.

SUBJECT AREA TO BE ADDRESSED: Life Expectancy Providers.

SPECIFIC AUTHORITY: 626.9925 FS.

LAW IMPLEMENTED: 626.99175 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., December 13, 2005

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bernie Stoffel, Specialty Product Administration, Office of Insurance Regulation, E-mail bernie.stoffel@fldfs.com.

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 above.

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: Florida Building Commission – Operational Procedures
 RULE CHAPTER NO.: 9B-3

RULE TITLES: Statewide Amendments to the Florida Building Code
 RULE NO.: 9B-3.050

PURPOSE, EFFECT AND SUMMARY: Changes made to Section 553.73(3), F.S., made by the 2005 Florida Legislature require Department of Community Affairs staff to review proposed code changes for adequacy before they are considered as part of the code change process. This rule revision provides procedures applicable to, and specifies the extent of, that review.

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: 553.73(3) FS.

LAW IMPLEMENTED: 553.73(3), (6) 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:

TIME AND DATE: 9:10 a.m. – 9:15 a.m., December 7, 2005

PLACE: Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida 33612

Any person requiring special accommodations at the workshop because of a disability or 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 before the date of the hearing. If you are hearing or speech impaired, please contact the Department of

Community Affairs using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.050 Statewide Amendments to the Florida Building Code.

(1) through (3) No change.

(4) For the purpose of amending the Florida Building Code, each proposed amendment to the Florida Building Code shall be submitted on the Code Amendment Proposal, Form 9B-3.047-2004 available from the Building Code Information System at www.floridabuilding.org or by contacting the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399. The Code Amendment Proposal form shall be submitted online at www.floridabuilding.org and shall be reviewed by Commission staff for sufficiency. Commission staff shall ascertain 1) whether the amendment to the code has been submitted in legislative format, 2) if the rationale for amending the code has been provided, and 3) if all seven questions regarding fiscal and other impacts have been answered by the proponent. The term "NA" or "Not applicable" shall be considered an insufficient answer. If a proposed code amendment is submitted more than two weeks prior to the deadline established and staff finds the proposal to be insufficient, staff shall notify the proponent via email of the nature of its insufficiency and that if the proponent of the amendment elects to resubmit the proposal curing the insufficiency, it must be resubmitted prior to the deadline. Once a Code Amendment Proposal has been found sufficient, Commission staff shall verify such status online, enabling the Building Code Information System to show the proposal to the general public for comment. Code Amendment Proposals found insufficient shall not be verified or considered as building code amendments in the code amendment process.

(5) through (9) No change.

Specific Authority 553.73(3), (6) FS. Law Implemented 553.73(3), (6), FS. History—New 11-20-01, Amended 6-8-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 5, 2005

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: Florida Building Commission – Operational Procedures

RULE CHAPTER NO.: 9B-3

RULE TITLE: Alternative Plans Review and Inspection

RULE NO.: 9B-3.053

Forms Adopted

9B-3.053

PURPOSE, EFFECT AND SUMMARY: Chapter 2005-147, Laws of Florida, imposed a requirement that a private inspector post designated information at the site of the inspections on a form adopted by the Florida Building Commission. The rule adopts that form.

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: 553.791(4), (5) FS.

LAW IMPLEMENTED: 553.791(4), (5) 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:

TIME AND DATE: 9:20 a.m., December 7, 2005

PLACE: Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida 33612

Any person requiring special accommodations at the workshop because of a disability or 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 before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.053 Alternative Plans Review and Inspection Forms Adopted.

The following forms are adopted for use in conjunction with utilization of a private provider to perform plan review and inspection:

(1) through (2) No change.

(3) Job Site Private Provider Identification Form, Form # 2005-01.

Specific Authority 553.791(4), (5) FS. Law Implemented 553.791(4), (5) FS. History--New 1-20-03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 5, 2005

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: Florida Building Commission –

RULE CHAPTER NO.: 9B-3

Operational Procedures

9B-3

RULE TITLES:

RULE NO.:

Binding Interpretations of the Florida

Building Code, Forms Adopted

9B-3.055

PURPOSE, EFFECT AND SUMMARY: Chapter 2005-147, Laws of Florida created Section 553.775, Florida Statutes, that require the Florida Building Commission to coordinate with the Building Officials Association of Florida, Inc.(BOAF) to establish a panel of building officials to review decisions of local building officials regarding interpretations of the Florida Building Code after the local board of appeals has considered the decision. The rule implements the statute by providing for procedures applicable to such decisions and adopting, by reference, the form to be utilized.

SPECIFIC AUTHORITY: 553.775 FS.

LAW IMPLEMENTED: 553.775(3)(c) 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:

TIME AND DATE: 9:15 a.m. – 9:20 a.m., December 7, 2005

PLACE: Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida 33612

Any person requiring special accommodations at the workshop because of a disability or 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 before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.055 Binding Interpretations of the Florida Building Code, Forms Adopted.

(1) Petitions for binding interpretations of the Florida Building Code shall be made through the Building Code Information System on the Internet in accordance with the provisions of Section 553.775, Florida Statutes.

(2) A fee of \$250 shall be paid by petitioner by credit card or electronic check upon such submission to cover processing costs.

(3) The following form is adopted for use in conjunction with issuance of a binding interpretation:

(a). Florida Building Commission, Petition for Binding Interpretation, Form No. 9B-3.055(1), November, 2005 (electronic version).

(4) The Petitioner shall print two (2) completed petitions for submittal to the enforcement agency that rendered the decision that is the subject of the petition. The enforcement agency shall stamp each of the petitions submitted with the time and date of receipt, retain one copy and return one to the Petitioner, who shall retain the stamped petition for submittal in the event that receipt of the petition or the time thereof become material to the dispute.

(5) Within 5 working days after receipt, the local building official shall respond to the petition through the Building Code Information System, or in writing, including statements 1) admitting or denying the statements contained in the petition, 2) of the interpretation of the provisions of the Florida Building Code deemed correct by the local building official or jurisdiction, and 3) containing the basis for the interpretation, and shall return the petition with his or her response to the petitioner. The petitioner may file the petition with the Commission at any time after it is returned to him or her, or after 10 days if the local building official has not responded. The Commission shall immediately publish the petition online on the Building Code Information System, accept online comments from interested parties for a period of seven calendar days, and provide copies of the petition to a panel.

The panel shall conduct proceedings as necessary to resolve the issue, considering the petitioner’s arguments, the building official’s response and comments made on the petition, and shall issue an interpretation within 21 days of the petition’s submittal, based either on code language or the intent of the code. The 21 days may be waived only upon consent of all parties. The interpretation shall be provided to the Commission, which shall post it online on the Building Code Information System and in the Florida Administrative Weekly. The interpretation shall be binding to all parties and all jurisdictions subject to the code unless it is superseded by a declaratory statement issued by the Florida Building Commission or by a final order entered after an appeal proceeding conducted. Appeals to interpretations shall be filed within 30 days of issuance of an interpretation and shall be conducted in accordance with Chapter 120, F.S., and the uniform rules of procedure.

(6) The interpretation rendered by the panel of building code administrators shall become final upon the earlier of the resolution of any appeal of that interpretation before the Florida Building Commission or the expiration of the time period in which to initiate such appeal.

Specific Authority 553.775 FS. Law Implemented 553.775(3)(c) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 5, 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.”

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Standards for Processed Citrus Products	RULE CHAPTER NO.: 20-64
RULE TITLE: Water Extracted Soluble Fruit Solids	RULE NO.: 20-64.021

PURPOSE AND EFFECT: New rule section exempting approved plants operating under the Florida Quality Systems Certification Program for Finished Product from the notice provisions with regard to Water Extracted Soluble Fruit Solids and renumbering subsequent sections.

SUMMARY: Exempting approved plants operating under the Florida Quality Systems Certification Program for Finished Product from the notice provisions with regard to Water Extracted Soluble Fruit Solids.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No formal Statement of Regulatory Cost has been prepared, however the Agency received testimony at its public workshop estimating substantial savings to processors are anticipated.

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: 601.10(1),(7), 601.11 FS.

LAW IMPLEMENTED: 601.10(7), 601.11 FS.

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

TIME AND DATE: 9:00 a.m., December 21, 2005

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-64.021 Water Extracted Soluble Fruit Solids.

(1) through (3) No change.

(4) Approved plants operating under the Florida Quality Systems Certification Program (20-64.025) are exempted from the notice provisions of subsection (3) above, but are required to follow documented program guidelines for handling of Water Extracted Soluble Fruit Solids.

~~(5)~~ Water extracted soluble fruit solids shall not be placed, for shipment or storage purposes, in any container which contains other citrus juice products, nor shall any citrus juice product be placed in any container which contains water extracted soluble fruit solids; except that water extracted soluble fruit solids to which a tracer has been added in accordance with paragraph (5)(a) may be used in producing beverage bases. Beverage bases manufactured for offshore shipment outside the United States and foreign countries listed in subsection 20-64.021(7), F.A.C., may contain water extracted soluble fruit solids without tracer if handled and accounted for as in subsection 20-64.021(9) paragraphs (a), (c), (d) and (e), F.A.C.

~~(6)~~(5)(a) through (b) No change.

~~(7)(6)~~ Reserved.

~~(8)(7)~~ Subsection 20-64.021(5), F.A.C., shall not apply to product packed and certified, at the time of manufacture, for export shipment by the licensed citrus fruit dealer who manufactured the product, to countries outside the United States, other than the countries and territories of: Antigua and Barbuda, Barbados, Belize, Canada, Costa Rica, Dominica, Dominican Republic, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Montserrat, Netherlands Antilles, Panama, Saint Christopher-Nevis, Saint Lucia, Saint Vincent, and Grenadines, Trinidad and Tobago, British Virgin Islands, Bahamas. Product so certified shall be appropriately identified for offshore export only, and may not subsequently be shipped or used domestically. To qualify for this exemption all products must be handled and accounted for in accordance with subsection 20-64.021(9), F.A.C., of this chapter.

~~(9)(8)~~ Each lot or container of water extracted soluble fruit solids shall be subject to sampling and analysis by the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, United States Department of Agriculture.

~~(10)(9)~~ Water extracted soluble fruit solids, packed and certified for export shipment pursuant to the provisions of subsection 20-64.021(7), F.A.C., hereof, shall be handled and accounted for as follows:

(a) through (e) No change.

~~(11)(10)~~ It shall be the burden of the manufacturer of water extracted soluble fruit solids without tracer to show with proper documentation, either the offshore export of the product, that tracer has been properly added thereto, or that the tank in which it is stored is totally segregated.

Specific Authority 601.10(1), (7), 601.11 FS. Law Implemented 601.10(7), 601.11 FS. History—New 3-21-79, Amended 6-24-81, 11-1-81, 1-1-82, 11-24-82, 8-28-84, 4-14-85, Formerly 20-64.21, Amended 9-2-86, 2-3-87, 11-1-88, 11-20-88, 3-19-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kenneth O. Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth O. Keck, General Counsel

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 4, 2005

PUBLIC SERVICE COMMISSION

DOCKET NO. 050681-TP

RULE TITLES:	RULE NOS.:
Application for Certificate	25-24.511
Application for Approval of Sale, Assignment or Transfer of Certificate	25-24.512
Application for Certificate	25-24.567
Application for Approval of Sale, Assignment or Transfer of Certificate	25-24.569

Application for Certificate 25-24.720

Application for approval of Sale, Assignment, or Transfer of Certificate 25-24.730

Application for Certificate 25-24.810

Application for Approval of Sale, Assignment or Transfer of Certificate 25-24.815

PURPOSE AND EFFECT: To increase the fees charged for processing applications for new and transferred certificates to provide pay telephone service, shared tenant service, alternative access vendor service, and competitive local exchange service; and to allow the transfer of a certificate from one pay telephone service company to another.

SUMMARY: Raises the application fee from \$100 to \$250 for an applicant for a pay telephone certificate or a shared tenant services certificate, and from \$250 to \$400 for an applicant for a competitive local exchange service certificate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Applicants for certificates to provide certain telecommunications' services will pay increased application fees.

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: 364.32, 364.33, 364.335, 364.337, 364.3375, 2364.339, 364.345, 364.345(2) 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.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

25-24.511 Application for Certificate.

(1) Any person desiring to provide pay telephone services must have a pay telephone service certificate.

(2) An applicant shall submit an application on Form PSC/CMP 32 (~~xx/xx 02/99~~), entitled "Application Form for Authority Certificate to Provide Pay Telephone Service Within the State of Florida," which is incorporated into this rule by reference and may be obtained from the Commission's

Division of Competitive Markets and Enforcement. A non-refundable application fee of \$250.00 ~~\$100.00~~ must accompany the filing of all applications.

(3) through (4) No change.

(5) Only one certificate per applicant will be granted. A new certificate will not be granted to any applicant who has previously had a certificate involuntarily cancelled.

Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.3375, 364.345 FS. History—New 1-5-87, Amended 9-28-89, 4-7-91, 11-20-91, 12-21-92, 2-1-99, _____.

25-24.512 Application for Approval of Sale, Assignment or Transfer of Certificate ~~Improper Use of a Certificate.~~

(1) Certificates ~~No certificate~~ of public convenience and necessity authorizing pay telephone service shall not be sold, assigned or transferred by the holder without prior Commission approval.

(2) A person seeking to obtain a certificate by sale, assignment or transfer from the holder shall submit an application jointly with the certificate holder on Commission Form PSC/CMP 32 (xx/xx), entitled “Application Form for Authority to Provide Pay Telephone Service Within the State of Florida”. The application form may be obtained from the Division of Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany the filing of all applications to cover processing costs. The Commission’s acceptance of the application fee does not imply that the application for sale, assignment or transfer of a certificate will be granted.

(3) An original and two copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(4) An application for sale, assignment or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.

(5) A certificate may be sold, assigned or transferred only as a whole.

Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.3375, 364.345 FS. History—New 1-5-87, Amended 5-15-89, _____.

25-24.567 Application for Certificate.

(1) An applicant desiring to provide shared tenant service shall submit an application on Commission Form PSC/CMP 37 (~~xx/xx 7/97~~), which is incorporated into this rule by reference. Form PSC/CMP 37 (~~xx/xx 7/97~~), entitled “Application Form For Authority To Provide Shared Tenant Service Within the State of Florida,” may be obtained by contacting the Commission’s Division of Competitive Markets and Enforcement. A non-refundable application fee of \$250.00 ~~\$100.00~~ must accompany the filing of all applications.

(2) An original and two ~~six~~ copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(3) through (4) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.339, 364.345 FS. History—New 1-28-91, Amended 5-8-91, 11-20-91, 7-29-97, _____.

25-24.569 Application for Approval of Sale, Assignment or Transfer of Certificate.

(1) A company desiring to obtain a certificate by sale, assignment or transfer from the holder thereof shall submit an application jointly with the certificate holder on Commission Form PSC/CMP 37 (~~xx/xx 7/97~~), which is incorporated into this rule by reference. Form PSC/CMP 37 (~~xx/xx 7/97~~) is entitled “Application Form for Authority to Provide Shared Tenant Service Within the State of Florida.” The application form may be obtained by contacting the Commission’s Division of Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany each application. The Commission’s acceptance of the application fee does not imply that the application for sale, assignment or transfer of a certificate will be granted.

(2) An original and two ~~six~~ copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(3) An application for sale, assignment or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.

(4) A certificate may be sold, assigned or transferred only as a whole.

Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.339, 364.345 FS. History—New 1-28-91, Amended 11-20-91, 7-29-97, _____.

25-24.720 Application for Certificate.

(1) An applicant seeking to provide Alternative Access Vendor service shall submit an application on Commission Form PSC/CMP 43 (~~xx/xx 4/95~~), entitled “Application Form for Authority to Provide Alternative Access Vendor Service within the State of Florida,” which is incorporated into this rule by reference. The form may be obtained from the Division of Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany each application to cover processing costs. The Commission’s acceptance of the application fee does not imply that a certificate will be granted.

(2) An original and two ~~two~~ copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(3) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.337, 364.345 FS. History—New 1-8-95, Amended _____.

25-24.730 Application for Approval of Sale, Assignment, or Transfer of Certificate.

(1) A person seeking to obtain a certificate by sale, assignment or transfer from the holder shall submit an application jointly with the certificate holder on Commission

Form PSC/CMP 43 (~~xx/xx 4/95~~) (entitled “Application Form for Authority To Provide Alternative Access Vendor Service within the State of Florida”). The application form may be obtained from the Division of Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany each application to cover processing costs. The Commission’s acceptance of the application fee does not imply that the application for sale, assignment or transfer of a certificate will be granted.

(2) An original and ~~two~~ two copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(3) through (4) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS. History–New 1-8-95, Amended.

25-24.810 Application for Certificate.

(1) An applicant for a certificate shall submit an application on Form PSC/CMP 8 (~~xx/xx 4/95~~), which is incorporated into this rule by reference. Form PSC/CMP 8 (~~xx/xx 4/95~~), entitled “Application Form for Authority to Provide Competitive Local Exchange Service Within the State of Florida”, may be obtained by contacting the Commission’s Division of Competitive Markets and Enforcement. A non-refundable application fee of ~~\$250.00~~ \$400.00 must accompany the filing of each application.

(2) An original and ~~two~~ two ~~six~~ copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

Specific Authority 350.127(2) FS. Law Implemented 364.335 FS. History–New 12-27-95, Amended.

25-24.815 Application for Approval of Sale, Assignment or Transfer of Certificate.

(1) A person obtaining a certificate by sale, assignment or transfer from the holder thereof shall submit jointly with the certificate holder an application on Form PSC/CMP 8 (~~xx/xx 4/95~~), which is incorporated into this rule by reference. Form PSC/CMP 8 (~~xx/xx 4/95~~), entitled “Application Form for Authority to Provide Competitive Local Exchange Service Within the State of Florida”, may be obtained by contacting the Commission’s Division of Competitive Markets and Enforcement. A non-refundable application fee of ~~\$250.00~~ \$400.00 must accompany the filing of each application.

(2) An original and ~~two~~ two ~~six~~ copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(3) An application for sale, ~~an~~ assignment or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.

(4) A certificate may be sold, assigned or transferred only as a whole.

(5) In the case of sale, ~~an~~ assignment or transfer where the assignor and assignee or transferor or transferee are all currently certificated by the Commission and there are no pending actions against them, a sale, ~~an~~ assignment or transfer shall be considered effective upon filing. Any party protesting the sale, assignment or transfer shall be required to prove why the sale, assignment or transfer is not in the public interest.

Specific Authority 350.127(2) FS. Law Implemented 364.335, 364.345(2) FS. History–New 12-27-95, Amended.

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: November 1, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 31, No. 26, July 1, 2005

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 at (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, which can be reached at: 1(800)955-8771 (TDD).

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental Resource
Permits

RULE CHAPTER NO.:

40D-4

RULE TITLE: Publications and Agreements Incorporated
by Reference

RULE NO.:

40D-4.091

PURPOSE AND EFFECT: The purpose of the amendment to Rule 40D-4.091, F.A.C., is to incorporate by reference a Memorandum of Understanding Between the Southwest Florida Water Management District (District) and the Environmental Protection Commission of Hillsborough County (EPC) Regarding Coordination of Regulatory Activities.

SUMMARY: The District and EPC both have authority to regulate activities affecting wetlands and surface waters in Hillsborough County. In the interest of improving efficiency and eliminating duplicative regulation, the District and EPC have entered into a Memorandum of Understanding Regarding

Coordination of Regulatory Activities. This agreement provides that wetland delineations conducted by one entity under the specified conditions will be accepted by the other entity for Environmental Resource Permitting review and evaluation purposes. Information on wetland delineations will be shared between the District and EPC. Additionally, EPC will conduct compliance investigations involving activities in wetlands or surface waters, and will monitor compliance with Environmental Resource Permit mitigation requirements within Hillsborough County. The proposed rule amendment will incorporate the Memorandum of Understanding into the District's rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-4.091, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 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: Margaret Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) through (4) No change.

(5) Memorandum of Understanding Between the Southwest Florida Water Management District and The Environmental Protection Commission of Hillsborough County Regarding Coordination of Regulatory Activities, dated October 19, 2005.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Clark Hull, Director, Environmental Resource Permitting Program, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4302.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 24, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 15, 2005

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee at (352)796-7211, ext. 4658; TDD only: 1(800)231-6103.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE TITLE: Minimum Flows **RULE NO.:** 40D-8.041

PURPOSE AND EFFECT: To amend Rule 40D-8.041, F.A.C., to incorporate minimum flows for the middle segment of the Peace River pursuant to Section 373.042, Florida Statutes.

SUMMARY: The proposed minimum flows are based on limiting potential changes in aquatic and wetland habitat availability that may be associated with seasonal changes in flow. The District has identified seasonal low, medium and high flow periods for the establishment of minimum flows for the middle Peace River. Short-term minimum flow compliance standards are proposed for each of these periods using a "building block" approach. The long-term compliance standards are established based on the application of the Minimum Flows to the lowest anticipated natural flow conditions.

Minimum Flows for the middle Peace River are seasonal and flow dependent. Two standards are flow-based and applied continuously, regardless of season. The first is a Minimum Low Flow threshold of 67 cfs at the Arcadia Gage. The second is a Minimum High Flow threshold of 1,362 cfs at the Arcadia Gage. The Minimum High Flow is based on changes in the number of days of inundation of floodplain features. There are also three seasonally dependent or Block-specific Minimum Flows. The period of Block 1 Minimum Flows is April 20 through June 25. Block 2 Minimum Flows is October 27 of one

year to April 19 of the next. Both are based on potential changes in habitat availability for fish species and macroinvertebrate diversity. Block 3 Minimum Flows is the period from June 26 to October 26, and is based on changes in the number of days of connection with floodplain features.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 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: Karen Lloyd, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.041 Minimum Flows.

(1) Minimum Flows for the Lower Hillsborough River.

(1) through (2) renumbered (a) through (b) No change.

(2)(3) No change.

(3) Minimum Flows for Middle Peace River.

(a) The Minimum Flows are to ensure that the minimum hydrologic requirements of the water resources or ecology of the natural systems associated with the river are met.

(b) Minimum Flows for the middle Peace River at the USGS Peace River Arcadia Gage ("Arcadia Gage") are set forth in Table 8-6 below. The long-term compliance standards set forth in Table 8-7 are established based on the application of the Minimum Flows to the lowest anticipated natural flow conditions. Minimum Flows for the middle Peace River are both seasonal and flow-dependent. Two standards are flow-based and applied continuously regardless of season. The first is a Minimum Low Flow threshold of 67 cfs at the Arcadia Gage. The second is a Minimum High Flow threshold of 1,362 cfs at the Arcadia Gage. The Minimum High Flow is based on changes in the number of days of inundation of floodplain features. There are also three seasonally dependent or Block-specific Minimum Flows. The Block 1 and Block 2 Minimum Flows are based on potential changes in habitat availability for fish species and macroinvertebrate diversity. The Block 3 Minimum Flow is based on changes in the number of days of connection with floodplain features.

Period	Effective Dates	Where Flow on Previous Day Equals:	Minimum Flow Is
Annually	January 1 to December 31	<p>≤67</p> <p>>67cfs and <1,362</p> <p>>1,362</p>	<p>67 cfs</p> <p>Seasonally dependent – see Blocks below</p> <p>Previous day flow minus 8%</p>
Block 1	April 20 to June 25	<p>≤67</p> <p>>67 cfs and <75cfs</p> <p>>75 cfs and <1,362</p> <p>>1,362</p>	<p>67 cfs</p> <p>67 cfs</p> <p>previous day flow minus 10%</p> <p>previous day flow minus 8%</p>
Block 2	October 27 to April 19	<p>≤67</p> <p>>67 cfs and <82 cfs</p> <p>>82 cfs and <1,362</p> <p>>1,362</p>	<p>67 cfs</p> <p>67 cfs</p> <p>previous day flow minus 18%</p> <p>previous day flow minus 8%</p>
Block 3	June 26 to October 26	<p>≤67 cfs</p> <p>>67 cfs and <73 cfs</p> <p>>73 cfs and <1,362 cfs</p> <p>>1,362</p>	<p>67 cfs</p> <p>67 cfs</p> <p>previous day flow minus 13%</p> <p>previous day flow minus 8%</p>

(c) Compliance – The Minimum Flows are met when the flows in Table 8-7 are achieved.

<u>Table 8-7 Compliance Standards for Middle Peace River at Arcadia Gage</u>		
<u>Minimum Flow</u>	<u>Hydrologic Statistic</u>	<u>Flow (cfs)</u>
<u>Annual Flow (January 1 through December 31)</u>	<u>10-Year Mean</u>	<u>547</u>
	<u>10-Year Median</u>	<u>243</u>
	<u>5-Year Mean</u>	<u>534</u>
	<u>5-Year Median</u>	<u>196</u>
<u>Block 1 (April 20 through June 25)</u>	<u>10-Year Mean</u>	<u>219</u>
	<u>10-Year Median</u>	<u>121</u>
	<u>5-Year Mean</u>	<u>160</u>
	<u>5-Year Median</u>	<u>64</u>
<u>Block 2 (October 27 through April 19)</u>	<u>10-Year Mean</u>	<u>359</u>
	<u>10-Year Median</u>	<u>182</u>
	<u>5-Year Mean</u>	<u>300</u>
	<u>5-Year Median</u>	<u>122</u>
<u>Block 3 (June 26 through October 26)</u>	<u>10-Year Mean</u>	<u>977</u>
	<u>10-Year Median</u>	<u>631</u>
	<u>5-Year Mean</u>	<u>790</u>
	<u>5-Year Median</u>	<u>382</u>

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee at (352)796-7211, ext. 4658; TDD only: 1(800)231-6103.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Medicaid

RULE TITLE: RULE NO.

Payment Methodology for Outpatient

Hospital Services 59G-6.030

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement plan (the Plan) payment methodology, effective July 1, 2005, to provide the following changes in compliance with the 2005-06 General Appropriations Act, Senate Bill 2600, Specific Appropriation 194:

1. Effective July 1, 2005 outpatient reimbursement ceilings shall be eliminated for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. Effective July 1, 2005 through June 30, 2006, these hospitals that qualify under this provision will receive an interim amount equal to 50 percent of the benefit of being exempt from the application of these ceilings, except any public hospital that meets the 11 percent threshold using an average of the 1999, 2000 & 2001 audited DSH data that is available shall not receive a reduction in the amount of their payments as a result of eliminating the outpatient reimbursement ceilings. The agency shall use the average of the 1999, 2000 and 2001 audited DSH data available as of March 1, 2005. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1999, 2000 and 2001 that are available. Any hospital that met the 11 percent threshold in State Fiscal Year 2004-2005 and was also exempt from the outpatient reimbursement ceilings shall remain exempt from the outpatient reimbursement ceilings for State Fiscal Year 2005-2006, subject to the payment limitations imposed in this paragraph.
2. Effective July 1, 2005 outpatient reimbursement ceilings shall be eliminated for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2. Effective July 1, 2005 through June 30, 2006, these hospitals will receive an interim amount equal to 50 percent of the benefit of being excluded from the application of an inpatient ceiling.
3. Effective July 1, 2005, the outpatient reimbursement ceilings shall be eliminated for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2005 or

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0395, 373.042, 373.0421 FS. History-Readopted 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84, 8-7-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martin Kelly, Manager, Ecological Section, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4235

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 23, 2005

become a designated or provisional trauma center during State Fiscal Year 2005-2006. The agency shall use the average of the 1999, 2000 and 2001 audited DSH data available as of March 1, 2005. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1999, 2000 and 2001 that are available.

4. Interim payments regarding the elimination of reimbursement ceilings shall be increased up to 100% of the benefit of being exempt from the application of these ceilings should the hospital inpatient upper payment limit change to support such an increase. The hospitals qualifying for the restoration of their rates are the hospitals that qualified as hospitals whose Medicaid and charity care days as a percentage to total adjusted hospital days equals or exceeds 11 percent and hospitals with a minimum of ten licensed level II Neonatal Intensive Care Units located in Trauma Services Area: The restoration of the inpatient rates is contingent on new cost report data providing for an increase in the amount of public hospital upper payment limit for State Fiscal Year 2005-2006. Any allowable growth in the public hospital upper payment limit balance will first be used to restore the loss in inpatient rates experienced by Jackson Memorial Hospital. Upon the loss by Jackson Memorial Hospital being restored any remaining growth in the public upper payment limit balance will be applied to the remaining hospitals in the same proportion as their rate reduction.
5. Effective July 1, 2005 the Agency shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan that may include, but is not limited to, the inflation factor, variable cost target, county rate ceiling or county ceiling target rate to achieve a recurring reduction of \$16,796,807 from inflationary and other price level increases.
6. Updates to the outpatient hospital revenue center codes.

SUMMARY: The proposed rule change to Rule 59G-6.030, F.A.C., incorporates revisions to the Florida Title XIX Outpatient Hospital Reimbursement Plan. The rule change is in accordance with the 2005-06 General Appropriations Act for outpatient hospital reimbursement rates and ceilings. The outpatient revenue center codes are also updated for accuracy.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or 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: 409.908 FS.

IF REQUESTED IN WRITING 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., December 6, 2005

PLACE: 2727 Fort Knox Boulevard, Building 3, Conference Room E, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THIS PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149A, Mail Stop 21, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.030 Payment Methodology for Outpatient Hospital Services.

Reimbursement to participating outpatient hospitals for services provided shall be in accordance with the Florida Title XIX Outpatient Hospital Reimbursement Plan, Version ~~XIV~~ **XIII** Effective date: _____ July 4, 2005, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 10-31-85, Amended 12-31-85, Formerly 10C-7.401, Amended 10-1-86, 3-26-90, 9-30-90, 10-13-91, 7-1-93, Formerly 10C-7.0401, Amended 4-10-94, 9-18-96, 9-6-99, 9-20-00, 12-6-01, 11-10-02, 2-16-04, 10-12-04, 7-4-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Robert Butler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Robert Butler

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 8, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums, and Mobile Homes

RULE TITLE: Developer, Defined **RULE NO.:** 61B-15.007

PURPOSE AND EFFECT: The purpose of this rule amendment is to clarify that the offering of units in a condominium consisting of seven or fewer units is not an offering in the ordinary course of business and does not trigger the requirement to file documents with the division.

SUMMARY: Section 718.103(23), F.S., provides that a residential condominium consists of two or more units. Section 718.501, F.S., provides that the division's authority under

Chapter 718, F.S., is limited to residential condominiums. Section 718.502, F.S., provides that a developer of a residential condominium or mixed use condominium must file with the division every document that will or must be provided to a purchaser. Rule 61B-15.007, F.A.C., provides that there is a presumption that the developer is offering in the ordinary course of business – triggering the filing requirement – when the developer offers more than seven parcels (units) in a year. The division wishes to reword the presumption language and clarify that the converse is also true; that the offering of seven or fewer parcels is not an offering in the ordinary course of business and does not trigger a filing requirement with the division. However, developers of condominiums with seven or fewer total units would still have to file a notice of recording information and pay annual fees and would be subject to the division’s enforcement authority as provided in Section 718.501, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs 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: 718.501(1)(f), 718.502(1)(c) FS.

LAW IMPLEMENTED: 718.501, 718.502, 718.505 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: 9:00 a.m., December 5, 2005

PLACE: Warren Building Meeting Room #B03, 201 W. Bloxham Street, Tallahassee, FL.

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO SHARON A. MALLOY, SENIOR MANAGEMENT ANALYST II, DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES, 1940 NORTH MONROE STREET, TALLAHASSEE, FLORIDA 32399-1030, WITHIN 21 DAYS OF THIS NOTICE. WRITTEN COMMENTS RECEIVED AFTER THE HEARING MAY NOT BE CONSIDERED.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-15.007 Developers, Defined.

(1) For purposes of Sections 718.202, 718.502, 718.503, ~~and 718.504, and 718.505~~, Florida Statutes, and Rule ~~subsection 61B-23.003(9)~~, Florida Administrative Code, the term developer includes, subject to the exceptions provided in Section 718.103(16)(14), Florida Statutes, or these rules:

(a) through (c) No change.

(2) The following constitutes “offering condominium parcels in the ordinary course of business” for filing purposes, as defined by subsection 61B-15.0011(4), Florida Administrative Code. ~~For purposes of the above definitions, one is presumed to offer condominium parcels for sale or lease in the ordinary course of business where that person:~~

(a) Offers more than 7 parcels, or for condominiums comprised of less than 70 parcels, where that person offers more than 5 parcels in the condominium within a period of 1 year; or,

(b) Participates in a common promotional plan ~~that which~~ offers more than 7 parcels within a period of 1 year. A person is not, however, deemed to have participated in a plan merely by virtue of providing financial contributions or professional or brokerage services.

(3) ~~Notwithstanding the above, the presumption that one is not offering condominium units in the ordinary course of business will not apply for filing purposes, as defined by subsection 61B-15.0011(4), Florida Administrative Code,~~ where all of the units are offered and conveyed to a single purchaser in a single transaction. An example of such a transaction would be a financial lending institution receiving title to a number of condominium units through foreclosure or deed in lieu of foreclosure and then conveying all of such units to another person. In such circumstances, the lending institution would not be deemed to be a developer for filing purposes. However, such entity shall, upon the conveyance to a single purchaser, notify the division in writing of the identity and business address of the purchaser, the name of the condominium involved, the date of the conveyance and the number of units conveyed.

(4) For purposes of filing with the division, as defined by subsection 61B-15.0011(4), Florida Administrative Code, one is not offering condominium parcels for sale or lease in the ordinary course of business where that person offers parcels in a condominium that consists of 7 or fewer residential units including all residential units planned in a phase condominium and all residential units planned within a multi-condominium. However, this shall not relieve the developer of

the duty to file a notice of recording information and pay annual fees as required by Sections 718.104(2), 718.403(8), and 718.501(2)(a), Florida Statutes, and subsection 61B-17.001(3), Florida Administrative Code.

(5) This rule applies to developer filing requirements and shall not exempt a developer from complying with all other provisions of the Condominium Act where the developer is offering fewer units than specified in this rule.

Specific Authority 718.501 FS. Law Implemented 718.103~~(2)~~, (11), (12) ~~(14), (16), (23), (47)~~, 718.104(2), 718.106~~(2)~~, 718.403(8), 718.502-.5054 FS. History—New 10-1-85, Formerly 7D-15.07, Amended 1-27-87, 7-10-88, 3-21-89, 6-13-89, Formerly 7D-15.007, Amended 11-14-95, 12-23-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rudolph Prinz, Chief of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marsteller, Secretary, Department of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 21, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 19, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums, and Mobile Homes

RULE TITLE: Declarations
RULE NO.: 61B-18.0051

PURPOSE AND EFFECT: The purpose of this rule amendment is to require a condominium developer to provide individual unit or unit type square footage and the total square footage of all units to allow the purchaser and the division to verify the correctness of percentages of ownership and annual assessments. The lack of square footage information makes it necessary for the bureau to request such information to complete its review of the documents. This slows the review process. More importantly, incorrect percentages of ownership have generated compliance actions within the division.

SUMMARY: Pursuant to Section 718.104(4)(f) and (g), F.S., the declaration of condominium must state that the percentage of ownership of the common elements and common surplus is calculated upon either the square footage method (square footage of one residential unit in proportion to total square footage of all residential units) or on an equal fractional basis (one unit out of a total of 10 units would have a 1/10 percentage of ownership). The same is required in a mixed-use condominium. See Section 718.404(3), F.S.

Pursuant to Section 718.504(2), F.S., the condominium prospectus must provide an explanation of the manner in which the apportionment of common expenses and ownership of

common elements will be determined. Section 718.502(5), F.S., provides that the division may require additional disclosure as deemed necessary to fully or fairly disclose all aspects of the offering.

The perimetrical boundary method is the accepted method of measuring square footage and is based upon the developer’s legal description of the boundaries of the unit (e.g., whether the unit includes or excludes the interior portion of the wall). Section 718.501(1)(f), FS, provides: “The division has authority to adopt rules pursuant to Sections 120.536(1) and 120.54, F.S., to implement and enforce the provisions of this chapter.” Section 718.502(1)(c), F.S., provides: “The division by rule may develop filing, review, and examination requirements and relevant timetables to ensure compliance with the notice and disclosure provisions of this section.”

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs 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: 718.501(1)(f), 718.502(1)(c) FS.
LAW IMPLEMENTED: 718.104(4)(f),(g), 718.404(3), 718.504(2), 718.502(5), 718.502, 718.503, 718.504 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: 9:00 a.m., December 5, 2005
PLACE: Warren Building, Meeting Room #B03, 201 W. Bloxham Street, Tallahassee, FL.

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO SHARON A. MALLOY, SENIOR MANAGEMENT ANALYST II, DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES, 1940 NORTH MONROE STREET, TALLAHASSEE, FLORIDA 32399-1030, WITHIN 21 DAYS OF THIS NOTICE. WRITTEN COMMENTS RECEIVED AFTER THE HEARING MAY NOT BE CONSIDERED.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling (800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-18.0051 Declarations.

A declaration of condominium in which percentage of ownership is not based upon an equal fractional basis shall include the square footage within each unit or unit type based on the perimetrical boundaries ascribed to each unit or unit type or the dimensions of each unit as elsewhere provided in the declaration of condominium or the survey or graphical description, as well as the total square footage of all units combined.

Specific Authority 718.501(1)(f) FS. Law Implemented 718.104(f), (g) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Rudolph Prinz, Chief of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marsteller, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 19, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums, and Mobile Homes

RULE TITLE: Notices of Intended Conversion

RULE NO.: 61B-24.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to provide time periods in which the division and the condominium filing developer must perform an action required by statute.

SUMMARY: Rule 61B-24.002, F.A.C., provides the specific time period in which the division must review the content of a notice of intended conversion filing (35 days) and notify the developer of any deficiencies in the filing. The rule also provides the time period in which the developer must correct the deficiencies (35 days) and the time period in which the division must respond to the corrections (20 days). However, the period of 35 days is overly long for the type of filing involved and should be shortened. In addition, the division desires to consolidate the various time periods related to

different filing types between program areas to simplify that aspect of the business process. Using "20 days" for all three time periods will achieve that goal.

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: 718.501(1)(f), 718.608(5), 718.621 FS.

LAW IMPLEMENTED: 718.608(5) 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: 9:00 a.m., December 5, 2005

PLACE: Warren Building Meeting Room #B03, 201 W. Bloxham Street, Tallahassee, FL.

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO SHARON A. MALLOY, SENIOR MANAGEMENT ANALYST II, DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES, 1940 NORTH MONROE STREET, TALLAHASSEE, FLORIDA 32399-1030, WITHIN 21 DAYS OF THIS NOTICE. WRITTEN COMMENTS RECEIVED AFTER THE HEARING MAY NOT BE CONSIDERED.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-24.002 Notices of Intended Conversion.

(1) Prior to delivery to tenants, each developer of a conversion shall file with the division and receive acceptance of its notice of intended conversion.

(a) After the division receives a proposed notice of intended conversion and the \$100 filing fee it shall, within ~~20~~ 35 days, inform the developer by mail that the division has accepted the notice or reviewed the notice and determined specific deficiencies.

(b) The developer shall have ~~20~~ 35 days from the date of the division's notification of deficiencies in the notice to correct such deficiencies.

(c) The division shall notify the developer within 20 days from receipt of a corrected notice whether the corrected notice remains deficient or whether the corrected notice is accepted.

(2) through (8) No change.

Specific Authority 718.501(1)(f), 718.608(5), 718.621 FS. Law Implemented 718.608(5) FS. History--New 7-2-81, Formerly 7D-24.02, Amended 4-1-92, Formerly 7D-24.002, Amended 12-23-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rudolph Prinz, Chief of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 19, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums, and Mobile Homes

RULE TITLE: Procedure for Filing and Examination of Documents

RULE NO.: 61B-79.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to provide missing time periods in which the division and the cooperative developer must perform an action required by statute related to the review and approval of cooperative filings. The rule amendment also removes a duplicative form review process that can be performed as part of the content review.

SUMMARY: Currently, the division performs form review of cooperative documents and the developer may not offer the cooperative units until the division issues an acceptance letter "for form." This procedure was previously used in the condominium program area but was eliminated in 2001 as a streamlining measure. Similarly, the division wishes to eliminate the separate form review process for cooperatives. As with the condominium and timeshare program areas, the division would perform the form review within the same time period allowed for the substantive (content) review.

Currently, there are currently no specific time periods in statute or rule for the review of cooperative filings. The division uses the condominium time periods as a guide for cooperative reviews. To simplify the business process, the division has filed several rule proposals to consolidate the various time periods related to the review of different filing types between program areas (for example, condominium reservation programs, cooperative reservation programs, timeshare reservation programs, etc). The new rule would provide time periods identical to those provided for the review of condominium documents.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs 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: 719.501(1)(f), 719.502(1)(b), 719.621 FS.

LAW IMPLEMENTED: 719.202, 719.502, 719.503, 719.504, 719.608 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: 9:00 a.m., December 5, 2005

PLACE: Warren Building Meeting Room #B03, 201 W. Bloxham Street, Tallahassee, FL.

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO SHARON A. MALLOY, SENIOR MANAGEMENT ANALYST II, DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES, 1940 NORTH MONROE STREET, TALLAHASSEE, FLORIDA 32399-1030, WITHIN 21 DAYS OF THIS NOTICE. WRITTEN COMMENTS RECEIVED AFTER THE HEARING MAY NOT BE CONSIDERED.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-79.002 Procedure for Filing and Examination of Documents.

- (1) No change.
- (2)(a) No change.

~~(b) Upon the completion of review for correct form, the division will notify the developer or its agent of the status of the filing by mail. The notice shall state whether the filing is acceptable or unacceptable for purposes of the examination process. If notice is not given within 10 business days after receipt of the filing, the filing is presumed to be in correct form for purposes of the examination process. If the filing is not considered to be in correct form, the division shall notify the developer or its agent and specifically state the reasons for not accepting the filing.~~

- (c) through (f) renumbered (b) through (e) No change.
- (3) Time periods for review and correction of filings.

(a) Reservation program filing. Within 20 days from receipt of the developer's filing, the division shall notify the developer or its agent by mail of any filing deficiencies or that the filing is accepted. The developer shall have 20 days from the date of the division's notification of deficiencies in the filing to correct any deficiencies noted by the division. The division shall have 20 days from the receipt of corrected documents to notify the developer of further filing deficiencies or of the acceptability of the corrections.

(b) Cooperative filing. Within 45 days from receipt of the developer's filing, the division shall notify the developer or its agent by mail of any filing deficiencies or that the filing is accepted. The developer shall have 45 days from the date of the division's notification of deficiencies in the filing to correct any deficiencies noted by the division. The division shall have 30 days from the receipt of corrected documents to notify the developer of further filing deficiencies or of the acceptability of the corrections.

(c) Amendment filing. Within 35 days from receipt of the developer's filing, the division shall notify the developer or its agent by mail of any filing deficiencies or that the filing is accepted. The developer shall have 20 days from the date of the division's notification of deficiencies in the filing to correct any deficiencies noted by the division. The division shall have 20 days from the receipt of corrected documents to notify the developer of further filing deficiencies or of the acceptability of the corrections.

(d) Notice of intended conversion filing. Within 20 days from receipt of the developer's filing, the division shall notify the developer or its agent by mail of any filing deficiencies or that the filing is accepted. The developer shall have 20 days from the date of the division's notification of deficiencies in the filing to correct any deficiencies noted by the division. The division shall have 20 days from the receipt of corrected documents to notify the developer of further filing deficiencies or of the acceptability of the corrections.

(e) If the division fails to notify the developer within the time periods specified in this rule, the filing shall be considered proper for purposes of Section 719.502(1)(a), Florida Statutes, but shall not exempt the developer from compliance with all other provisions of the Cooperative Act or preclude any purchaser remedies afforded by the act.

(f) If the developer does not correct deficiencies within the specified time period and does not timely request an extension of time, the division shall reject the filing and no further offers may be made. The developer will not be granted more than four (4) extensions in a particular filing. If a filing is rejected, the developer, when subject to the requirements of Section 719.202, Florida Statutes, shall, within 45 days of issuance of the final order of rejection, provide the division with a complete accounting of any deposits collected pursuant to the rejected documents. The developer shall also, immediately and in writing, notify all purchasers under contract of the rejection and shall offer immediate refund of deposits collected, as well as interest as appropriate, under the contracts. A complete refiling of the documents pursuant to the requirements of Chapter 719, Florida Statutes, and these rules, including the payment of filing fees, will be required prior to any additional offerings.

Specific Authority 719.501(1)(f), 719.502(1)(b), 719.621 FS. Law Implemented 719.202, 719.502, 719.503, 719.504, 719.505, 719.506, 719.608 FS. History—New 1-8-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rudolph Prinz, Chief of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 19, 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 Medicine

RULE TITLE: Applications
PURPOSE AND EFFECT: The proposed rule amendment is intended to address the requirements for HIV/AIDS continuing education.

RULE NO.:
64B8-4.009

SUMMARY: The proposed rule amendment clarifies the criteria for completion of the required HIV/AIDS continuing education.

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: 120.53, 456.031, 456.033, 458.309, 458.311, 458.3137 FS.

LAW IMPLEMENTED: 120.53, 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 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:

64B8-4.009 Applications.

(1) through (7) No change.

(8) The applicant must submit statements attesting to the following:

(a) Completion of three hours of ~~all Category I, American Medical Association~~ Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its spectrum of clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. This continuing medical education shall be approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

(b) through (c) No change.

(9) No change.

Specific Authority 120.53, 456.031, 456.033, 458.309, 458.311, 458.3137 FS. Law Implemented 120.53, 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. History—New 3-31-80, Amended 12-4-85, Formerly 21M-22.09, Amended 9-7-88, 3-13-89, 1-1-92, 2-21-93, Formerly 21M-22.009, Amended 11-4-93, Formerly 61F6-22.009, Amended 11-15-94, 2-15-96, Formerly 59R-4.009, Amended 7-10-01, 1-31-02, 5-10-04, 5-20-04, _____.

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: October 8, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: RULE NOS.:

Disciplinary Guidelines 64B8-8.001

Citation Authority 64B8-8.017

PURPOSE AND EFFECT: The proposed rule amendments are intended to address changes in the disciplinary guidelines and changes in the citation rule.

SUMMARY: The proposed rule amendments to Rule 64B8-8.001, F.A.C., clarify statutory and rule references with regard to violations. The proposed amendments to Rule 64B8-8.017, F.A.C., reduce citation penalties for failure to document certain CME requirements.

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: 456.077, 458.309 FS.

LAW IMPLEMENTED: 456.072(2)(d), 456.077 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 RULES 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 RULES IS:

64B8-8.001 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

RECOMMENDED RANGE OF PENALTY

VIOLATION

(a) through (w) No change.
 (x)1. Violation of law, rule or failure to comply with subpoena.
 (458.331(1)(~~nn~~), F.S.)
 (456.072(1)(b), (q), F.S.)

2. Violation of an order of the Board.
 (458.331(1)(x), F.S.)

(y) through (ss) No change.

(3) through (7) No change.

Specific Authority 456.0375(4)(c), 456.0575, 456.079, 458.309, 458.331(5) FS. Law Implemented 456.0375(4)(c), 456.0575, 456.072, 456.079, 458.331(5) FS. History--New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98, 12-28-99, 1-31-01, 7-10-01, 6-4-02, 9-10-02, 12-11-02, 8-20-03, 6-7-04, 8-17-04,_____.

64B8-8.017 Citation Authority.

In lieu of the disciplinary procedures contained in Section 456.073, F.S., the offenses enumerated in this rule may be disciplined by the issuance of a citation. The citation shall

VIOLATIONS

(a) CME violations.
 (Sections 458.321, 458.331(1)(g), (x), 456.072(1)(e), (s), F.S.)

1. Failure to document required HIV/AIDS and related infections of TB CME.
 2. Failure to document required domestic violence CME.
 3. Failure to document required medical errors CME.
 4. Failure to document required HIV/AIDS and related infections of TB and failure to document domestic violence and medical errors CME.
 5. No change.
- (b) through (p) No change.
 (4) through (5) No change.

Specific Authority 456.077, 458.309 FS. Law Implemented 456.072(2)(d), 456.077 FS. History--New 12-20-91, Formerly 21M-20.017, Amended 11-4-93, Formerly 61F6-20.017, Amended 8-23-95, Formerly 59R-8.017, Amended 4-7-99, 1-27-00, 1-31-02, 1-12-03, 7-24-04, 2-7-05,_____.

FIRST OFFENSE

(x)1. For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation or denial and an administrative fine from \$1,000.00 to \$10,000.00.
 2. Reprimand and an administrative fine from \$5,000.00 to \$10,000.00, to revocation or denial based upon the severity of the offense and the potential for patient harm.

SECOND OFFENSE

(x)1. From probation to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00.
 2. From suspension and a \$10,000.00 fine or denial to revocation.

include a requirement that the licensee correct the offense, if possible, within a specified period of time, impose whatever obligations will correct the offense, and impose the prescribed penalty.

(1) through (2) No change.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

PENALTY

Within twelve months of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND ~~\$250~~ ~~\$500~~ fine

~~\$250~~ ~~\$500~~ fine
~~\$250~~ ~~\$500~~ fine
~~\$500~~ ~~\$1,000~~ fine

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: October 8, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Time for Payment of Civil Penalties or Administrative Fines; Time Frames for Completion of Requirements
 RULE NO.: 64B8-8.002

PURPOSE AND EFFECT: The proposed rule amendments are intended to address time frames for completion of requirements imposed by Board order.

SUMMARY: The proposed rule amendments set forth the time frames for completion of requirements which are imposed by Board order.

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: 456.072(2), 458.309 FS.

LAW IMPLEMENTED: 456.072(2) 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:

64B8-8.002 Time for Payment of Civil Penalties or Administrative Fines; Time Frames for Completion of Requirements.

(1) In cases where the Board of Medicine imposes a civil penalty or an administrative fine for violation of Chapter 456 or 458, Florida Statutes, or the rules promulgated pursuant thereunder, the penalty shall be paid within thirty (30) days of its imposition by Order of the Board unless a different time frame is set forth in the Order.

In addition, any costs imposed by Order of the Board shall be paid within thirty (30) days unless a different time frame is set forth in the Order.

(2) Unless otherwise specified in the Board's Order, the time frames for completion of the requirements are as follows:

(a) FMA sponsored medical records course is to be completed within one year from the date the Order is filed;

(b) USF sponsored prescribing course is to be completed within one year from the date the Order is filed;

(c) Continuing medical education is to be completed within one year from the date the Order is filed;

(d) Community service is to be completed within one year from the date the Order is filed.

(e) Quality assurance (risk management) reviews of practice shall be required within four (4) months from the date the Order is filed and compliance with any and all recommendations shall be required within four (4) months following the quality assurance review.

(f) UF CARES or Board-approved equivalent evaluations shall be required within four (4) months from the date the Order is filed and compliance with any and all recommendations of the evaluation shall be required to be completed and compliance demonstrated within eight (8) months following the evaluation.

(g) Lectures imposed by Order of the Board shall be completed and documentation submitted within one (1) year from the date the Order is filed.

(h)(e) Reports to the Board's Probationer's Committee shall be made quarterly.

Specific Authority 456.072(2), 458.309 FS. Law Implemented 456.072(2) FS. History—New 10-23-80, Formerly 21M-20.02, Amended 9-7-92, Formerly 21M-20.002, 61F6-20.002, 59R-8.002, Amended 7-10-01, _____.

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: October 8, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLES: Hardship Extensions and Exemptions to Cash Assistance Time Limit
 RULE NOS.: 65A-4.201

Calculation of Assistance Time Limits 65A-4.202

Determination of Continued Eligibility 65A-4.219

PURPOSE AND EFFECT: The 2005 Florida Legislature amended Section 414.105, F.S., to support department efforts to simplify Economic Self-Sufficiency policy by striking language related to interim time limits (24 cumulative months in any 60-month period or 36 cumulative months out of any consecutive 72-month period) with multiple exceptions and extensions within a 48-month lifetime limit on receipt of temporary cash assistance (TCA). It also struck language in Section 414.105, F.S., related to earned months of TCA eligibility for participation in outpatient mental health or substance abuse treatment.

SUMMARY: The proposed rule amendments provide for a standardized 48-month lifetime limit on receipt of TCA and the removal of language related to interim time limits and earned months. Rule 65A-4.201, F.A.C., will be amended to remove language related to interim time limits and earned months of TCA eligibility. Rule 65A-4.202, F.A.C., will be repealed, as the statutory language for earned months no longer exists. Rule 65A-4.219, F.A.C., will be repealed, as determination of continued eligibility for receipt of TCA is duplicative of language in subsection 65A-1.205(2), F.A.C.

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: 414.45 FS.

LAW IMPLEMENTED: 414.105 FS.

IF REQUESTED IN WRITING 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: 10:30 a.m., December 14, 2005

PLACE: 1317 Winewood Blvd., Bldg. 3, Room 439, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jennifer Lange, Chief of Policy, Economic Self-Sufficiency, 1317 Winewood Boulevard, Bldg. 3, Room 450, Tallahassee, Florida 32399-0700, telephone (850)921-0253

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-4.201 Criteria for Hardship Extensions and Exemptions to Cash Assistance Time Limitations.

(1) Hardship Extension and Exemption Determinations. An extension to or exemption from the time limit for receipt of temporary cash assistance (TCA) cannot be authorized until a hardship ~~extension~~ review, using the CF-ES 2082, Hardship Extension/Exemption Review Form, Sep 2005 ~~00~~, incorporated by reference, is completed by the department and the regional workforce board (RWB) or its designee and a favorable decision is made about the existence of a hardship such as a community review panel or the administrative entity's director or staff. A The recommendation, if appropriately made, and the decision about as to hardship eligibility extension will be based on the criteria established in this rule (~~65A-4.201~~) and Section 414.105, F.S.

(2) The department will be responsible for:

(a) Determining that the ~~correct~~ TCA time limit is correct was assigned.

~~(b) Reviewing the case for earned months of TCA assistance. If available, earned months are to be used prior to requesting a hardship extension. Participants will be eligible to apply after earned months have been used.~~

~~(b)(e)~~ No change.

(3) The RWB or its designee will be responsible for reviewing the participant's potential to obtain and retain employment potential and assessing if the participant is recommended for a hardship extension or exemption. The RWB or its designee will document the review on the CF-ES Form 2082 and have the participant sign the form and indicate if an extension or exemption is being requested.

~~(a) Discussion with the participant about a hardship extension will occur during an employment or request for a hardship extension review conducted by the contracted career manager. The contracted career manager will document the interview with the participant on the (CF-ES Form 2082) (incorporated by reference) to indicate that the information on the form has been discussed with the participant. The participant will sign the form to indicate whether or not an extension is requested.~~

~~(4)(b)~~ A participant who did not request a hardship extension or exemption when at the time the initial original Hardship Extension/Exemption Review Form was signed may subsequently request a hardship extension or exemption by completing the hardship ~~extension~~ review process ~~of this rule using the CF-ES 2082~~. If the individual has not received TCA benefits or services for more than 30 days, the CF-ES 2337 2066, ACCESS Florida Application, Aug 2005 Request for Assistance, Jun 98, incorporated by reference, in Administrative Rule 65A-400, must also be completed.

~~(5)(4)~~ Upon documentation of a pending SSI or SSDI application or appeal, individuals who are not receiving TCA benefits because of the 48-month lifetime ~~they have used their~~ periodic 24/60 month or 36/72 month time limit must be granted an hardship extension of the time limit until a final determination is made pursuant to Section 414.105(8), F.S.

~~(6)(5)~~ Hardship exemption criteria. Criteria for hardship exemptions are stated in Section 414.105, F.S. ~~The criteria for teen parents receiving cash assistance as adults and subject to time limits.~~

~~(7)(6)~~ Diligent participation. To meet the diligent participation criteria, the participant must: have no more than one work sanction imposed in the last eighteen months of receipt of cash assistance; and be in ~~satisfactory~~ compliance with the individual responsibility plan as determined by the RWB or its designee's contracted career manager.

~~(8)(7)~~(a) through (c) No change.

(d) An individual was temporarily unable to participate in assigned work activities due to circumstances beyond their control as determined by the RWB or its designee. Examples are caring for a disabled family member when the need for care was verified and alternate care was not available.

~~(9)(8)~~ No change.

~~(10)(9)~~ The RWB or its designee will forward to the department a copy of the completed CF-ES 2082 that includes a recommendation for approval and recommended length of the extension or exemption or denial of a hardship extension or exemption. If all hardship criteria is met, the department will approve the participant for continued receipt of TCA for the amount of time recommended by the RWB.

~~(11)(10)~~ Hearing rights. Participants whose cash assistance is terminated because they have reached their lifetime limits and have been denied a hardship extension or exemption may request a fair hearing in accordance with Chapter 65-2, F.A.C., Part IV, Hearings. Cash assistance may be continued when the request for a hearing is received within 10 calendar days from the notice of case action. The assistance group must repay cash assistance if the hearing decision is in favor of the department.

~~(12)(11)~~ Review of Hardship Extension and Exemption Cases. A review of hardship extension and exemption cases must be completed at least once every two years using the hardship extension and exemption review process of this rule, except for domestic violence cases which that must be redetermined no less often than reviewed every six months in accordance with 45 CFR, Part 260, Section 260.55(b).

Specific Authority 414.45 FS. Law Implemented 414.105 FS. History--New 9-28-98, Amended 5-27-01, _____.

65A-4.202 Calculation of Assistance Time Limits.

Specific Authority 414.45 FS. Law Implemented 414.105(3) FS. History--New 1-27-99, Amended 6-20-01, Repealed _____.

65A-4.219 Determination of Continued Eligibility.

Specific Authority 414.45 FS. Law Implemented 414.095 FS. History--New 1-31-94, Formerly 10C-1.503, Amended 7-2-03, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lonna Cichon, Government Operations Consultant II
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Kim Shaver, Director
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 1, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 24, 2005

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse and Mental Health Programs

RULE TITLES:	RULE NOS.:
Cost Principles	65E-14.017
Unit Cost Method of Payment	65E-14.021

PURPOSE AND EFFECT: The purpose of the amendments is to make improvements and corrections to the substance abuse and mental health contracting system and financial rule, based upon input from departmental staff.

SUMMARY: Amendments are made to Chapter 65E-14, F.A.C. to: update a reference as how the method of depreciation is followed; add a clarification as to how the Mental Health Clubhouse staff hours shall be paid; add language pertaining to how Day-Night services are to be provided to resolve a conflict with paragraph 65D-30.002(16)(e), F.A.C.; add language to the Crisis Support/Emergency, Intervention services and Outpatient services descriptions that allows the maximum rate to be paid for these services during a Governor's Emergency Declaration for natural or man-made disasters; add a clarification to the description of the Prevention/Intervention-Day services cost center that includes in the cost center children and adolescents in non-school based programs or the Florida Youth Initiative Program; add a new cost center for Direct Administrative Expense for use in TANF Adult Mental Health and Adult Substance Abuse managing entity contracts; add a new cost center for Direct Administrative Expense for contract oversight services; add Aftercare and Intervention services, to the list of services eligible for special rates for group treatment; add a new section on alternative method of payment for use under conditions of a Governor's Emergency Declaration for natural or man-made disasters; and add an updated form for the Monthly Request for Non-TANF Payment.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

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: 394.78(1), 397.321(5) FS.

LAW IMPLEMENTED: 216.181(16), 394.66(9), (12), 394.74(2)(b), (3)(d), (e), (4), 394.77, 394.78(1), (6), 397.321(10), 402.73(7) 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 RULES IS: Amy Johnson, Senior Management Analyst Supervisor, The Department of Children and Families, 1317 Winewood Blvd., Building 6, Room 233, Tallahassee, Florida, (850)413-0934, e-mail: amy_johnson@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

65E-14.017 Cost Principles.

(1) through (4) No change.

4. Where depreciation method is followed, the period of useful service, useful life established in accordance with guidelines as published by the American Hospital Association, Revised 2004 Edition ~~1973 Edition~~ of the “Estimated Useful Lives of Depreciable Hospital Assets” ~~Chart of Accounts for Hospitals, “Estimated Useful Life of Land Improvements, Buildings and Fixed Equipment.”~~ The method of depreciation used to assign the cost of an asset, or group of assets, to accounting periods shall reflect the pattern of consumption of the asset during its useful life. In the absence of clear evidence indicating that the expected consumption of the asset will be significantly greater in the early portions of its useful life than in the later portions, the straight-line method shall be presumed to be the appropriate method. Depreciation methods once used shall not be changed unless approved in advance by the department. When the depreciation method is introduced for application to assets previously subject to a use allowance, the combination of use allowances and depreciation applicable to such assets must not exceed the total acquisition cost of the assets. When the depreciation method is used for buildings, a building’s shell may be segregated from each building component, for example, plumbing system, heating, and air conditioning system, etcetera, and each item depreciated over its estimated useful life; or the entire building, that is, the shell and all components, may be treated as a single asset and depreciated over a single useful life.

5. through (ss) No change.

Specific Authority 394.78(1), 397.321(5) FS. Law Implemented 394.74, 394.77, 394.78(1), 397.481 FS. History—New 2-23-83, Amended 2-25-85, Formerly 10E-14.17, Amended 7-29-96, Formerly 10E-14.017, Amended 9-17-97, 7-1-03,_____.

65E-14.021 Unit Cost Method of Payment.

(1) through (5)(a)9. No change.

10. Clubhouse Staff Hour. This unit of measure represents an hour of staff time in which one or more persons (Clubhouse members) are being provided with a service or activity within the Clubhouse or away from the Clubhouse. It may also include staff time spent on behalf of members away from the facility, such as, developing employment prospects or exploring housing alternatives. Staff time spent in travel on

behalf of Clubhouse members or activities may also be included. Clubhouse staff hours shall be paid on the basis of utilization.

(b) through (d) No change.

(e) Crisis Support/Emergency.

1. Description – These non-residential care services are generally available twenty-four (24) hours per day, seven (7) days per week, or some other specific time period, to intervene in a crisis or provide emergency care. Examples include: mobile crisis, crisis support, crisis/emergency screening, crisis telephone, and emergency walk-in. During the period of time covered by a Governor’s Emergency Declaration, and in the counties so named in that declaration, the rate for Crisis Support/Emergency services may be paid at the maximum allowable under Chapter 65E-14, F.A.C.

2. through (f) No change.

(g) Day-Night.

1. Description – Day-Night services provide a structured schedule of non-residential services for four (4) or more consecutive hours per day. Activities for children and adult mental health programs are designed to assist individuals to attain skills and behaviors needed to function successfully in living, learning, work, and social environments. Generally, a person receives three (3) or more services a week. Activities for substance abuse programs emphasize rehabilitation, treatment, and education services, using multidisciplinary teams to provide integrated programs of academic, therapeutic, and family services. For substance abuse services the minimal hours of service required on a weekly basis for this cost center are specified in Chapter 65D-30, F.A.C., Licensure Standards for Substance Abuse Services.

2. through (n) No change.

(o) Intervention.

1. Description – Intervention services focus on reducing risk factors generally associated with the progression of substance abuse and mental health problems. Intervention is accomplished through early identification of persons at risk, performing basic individual assessments, and providing supportive services, which emphasize short-term counseling and referral. The services are targeted toward individuals and families. During a period of time covered by a Governor’s Emergency Declaration for natural or man-made disasters, and in the counties so named in that declaration, the rate for Intervention services may be paid at the maximum allowable under Chapter 65E-14, F.A.C.

2. through (r) No change.

(s) Outpatient.

1. Description – Outpatient services provide a therapeutic environment, which is designed to improve the functioning or prevent further deterioration of persons with mental health and/or substance abuse problems. These services are usually provided on a regularly scheduled basis by appointment, with arrangements made for non-scheduled visits during times of

increased stress or crisis. Outpatient services may be provided to an individual or in a group setting. The group size limitations applicable to the Medicaid program shall apply to all Outpatient services funded through a state substance abuse and mental health program contract. During a period of time covered by a Governor's Emergency Declaration for natural or man-made disasters, and in the counties so named in that declaration, the rate for Outpatient services may be paid at the maximum allowable under Chapter 65E-14, F.A.C.

2. through (v). No change.

(w) Prevention/Intervention – Day.

1. Description – This cost center includes school-based day services for children and adolescents for four (4) or more consecutive hours per day. For children with mental health problems, these services include school-based mental health services for children who have been identified by the school as having, or are at risk of developing, mental health problems. Services are individualized and may be provided in a self-contained classroom, a regular classroom, or as a component of a full service school. For children and adolescents with substance abuse problems, it includes Alpha and Beta targeted prevention programs serving students in grades 4-6 and 6-8, respectively, who are identified as at risk for alcohol or other drug abuse. These services consist of multiple, structured contacts over time to specific individuals or groups identified as having behavioral, biological or environmental at-risk characteristics. These programs promote skills building and reduce the risk of establishing patterns of use. Services are provided through community provider agencies in partnership with county school boards. Counselors provide individual, group, and family counseling, and school personnel implement an intensive education program. This cost center also includes children and adolescents who are at risk of substance abuse problems and receive targeted prevention services in non-school based programs or through the Florida Youth Initiative Program.

2. through (kk) No change.

(ll) Direct Administrative Expense – Temporary Assistance for Needy Families (TANF).

1. Description – Direct Administrative Expense – TANF: These administrative services include approval of TANF eligibility notification form, validation of the invoice, and service validation to assure compliance with TANF guidelines.

2. Programs – Adult Mental Health and Adult Substance Abuse.

3. Unit of Measure – \$50.00.

4. Data Elements:

a. Service Documentation – Time Sheet:

(I) Staff name and identification number;

(II) Pay period;

(III) Job Description;

(IV) Job Title;

(V) Job functions as it pertains to cost center;

(VI) Percentage of performance time;

(VII) Program;

b. Audit Documentation:

(I) Time Sheet;

(II) Staff name and identification number;

(III) Pay period;

(IV) Job Description;

(V) Job Title;

(VI) Job functions as it pertains to cost center;

(VII) Percentage of performance time;

(VIII) Program;

(IX) Payroll records;

(X) Signature of supervisor;

5. Maximum Unit Cost Rate: \$50.00.

(mm) Direct Administrative Expense – Contract Oversight.

1. Description – Direct Administrative Expense – Contract oversight services include maintaining contract and corresponding subcontract files in managing entity contracts. Oversight responsibilities also includes the monitoring of contract deliverables to ensure timeliness and accuracy of submittals and reviewing subcontract monthly billing for accuracy.

2. Programs – Adult Substance Abuse, Adult Mental Health, Children's Substance Abuse, and Children's Mental Health

3. Unit of Measure – \$50.00.

4. Data Elements:

a. Service Documentation – Time Sheet:

(I) Staff name and identification number;

(II) Pay period;

(III) Job Description;

(IV) Job Title;

(V) Job functions as it pertains to cost center;

(VI) Percentage of performance time;

(VII) Program.

b. Audit Documentation.

(I) Time Sheet;

(II) Staff name and identification number;

(III) Pay period;

(IV) Job Description;

(V) Job Title;

(VI) Job functions as it pertains to cost center;

(VII) Percentage of performance time;

(VIII) Program;

(IX) Payroll records;

(X) Signature of supervisor.

5. Maximum Unit Cost Rate: \$50.00.

(8) through (9)(c) No change.

(d) Special Rates for Group Treatment. The state rate for group treatment for Aftercare, Intervention, and Outpatient Services is equal to 25 percent of the state rate for individual Aftercare, Intervention, and Outpatient Services.

(10) through (d) No change.

(e) Alternative Method of Payment for Use Under Conditions of a Governor’s Emergency Declaration for Natural or Man-Made Disasters.

1. During a period of time covered by a Governor’s Emergency Declaration for natural or man-made disasters, and in the counties so named in that declaration, the department may use an alternate method of payment to continue the provision of substance abuse and mental health services in adversely affected counties.

2. The department’s alternate method of payment may, if funds are available, release a prorated monthly share of the contract in the amount of one-twelfth (1/12) of the total annual dollar amount in lieu of the method of payment specified in the contract, based upon a written request from the contractor in the named disaster declaration county.

3. The contractor shall reconcile the total number of service units invoiced provided during the term of the contract with the total service units contracted by the department in the contractor’s final request for payment before the close of the current state fiscal year.

4. During a period of time covered by a Governor’s Emergency Declaration for natural or man-made disasters, and in the counties so named in that declaration, the rate for Intervention, Crisis Support and Outpatient services may be paid at the maximum allowable by Chapter 65E-14, F.A.C.

(11) The following form is hereby incorporated by reference, copies of which may be obtained from the Substance Abuse Program Office, ATTN: PDSA, 1317 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700.

(a) through (e) No change.

(f) CF-MH 1047, ~~Jul 2005~~ ~~Nov 2003~~ Monthly request for Non-TANF Payment/Advance, consisting of a two page form and three pages of instructions.

(g) through (j) No change.

Specific Authority 394.78(1), 397.321(5), Law Implemented 216.181(16), 394.66(9), 394.74(2)(b), (3)(d), (e), (4), 394.77, 394.78(1), (6), 397.321(10), 402.73(7) FS. History—New 7-1-03, Amended 12-14-03, 1-3-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Ochalek, Senior Management Analyst Supervisor, SAMH Contracts Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken DeCerio, MSW, C.A.P., Assistant Secretary for Substance Abuse and Mental Health, and Rod Hall, Ph.D., Program Director of Mental Health

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 5, 2005
Purchase Order No.: PO 13128

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER TITLE: Firefighter Employment Standards
RULE CHAPTER NO.: 69A-62
RULE TITLE: General Guidelines for Firefighter Employer
RULE NO.: 69A-62.021

PURPOSE AND EFFECT: All fire departments must have a safety and health program in place. Fire departments found to be in violation of any part of the rules pertaining to firefighter safety must also have a remediation plan, in addition to the safety and health program.

SUMMARY: Fire departments must have safety and health programs and remediation plans must be in place for fire departments in violation of any part of the firefighter safety and health rules.

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

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

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 A HEARING IS NOT REQUESTED, NO HEARING WILL BE HELD.

TIME AND DATE: 10:00 a.m., December 5, 2005

PLACE: Main Auditorium, Florida State Fire College, 11655 N.W. Gainesville Road, Ocala, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dave Casey, Chief, Bureau of Fire Standards and Training, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486, (352)369-2818

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise the Department at least 48 hours before the program by contacting Angie Cain, (352)369-2818.

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-62.021 General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs.

The following are the guidelines for a Firefighter Employer Comprehensive Safety and Health Program. These guidelines shall be used by all firefighter employers ~~that are notified by the division that they have a high frequency or severity of~~

~~workers' compensation claims to prepare their Firefighter Employer Comprehensive Safety and Health Remediation Plan.~~

(1) through (7) No change.

Specific Authority 633.821 FS. Law Implemented 633.821 FS. History--New 9-6-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dave Casey, Chief, Bureau of Fire Standards and Training, Florida State Fire College, 11655 N.W. Gainesville Road, Ocala, Florida, (352)369-2800

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall Napoli, Director, Division of State Fire Marshal, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2005

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE TITLE: RULE NO.:

Alternative Procedures for Resolution of
Disputed Personal Lines Insurance
Claims Arising from Hurricane and
Tropical Storm Damage 69J-2.001

PURPOSE AND EFFECT: The purpose of the proposed changes is to address comments by the Joint Administrative Procedures Committee.

SUMMARY: The changes address the mediation fee paid by insurers, attorney participation in mediation, and the use of the pricing guidelines.

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: 624.308, 626.9611, 627.7015(4) FS.
LAW IMPLEMENTED: 624.307(1), (2), (4), (5), 624.316, 624.3161, 624.317, 624.318, 624.320, 624.324, 624.418(2)(a), 624.4211, 626.859, 626.874, 626.877, 626.9541(1)(a), (e), (i), (u), 626.9561, 626.9641(1)(g), 627.7015 FS.

IF REQUESTED WITHIIN 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., December 5, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tom Terfinko, Assistant Director, Division of Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0320, (850)413-5802

THE FULL TEXT OF THE PROPOSED RULE IS:

69J-2.001 Alternative Procedures for Resolution of Disputed Personal Lines Insurance Claims Arising from Hurricane and Tropical Storm Damage.

(1) through (4) No change.

(5) Mediation Costs. Pursuant to Section 627.7015(3), F.S., the insurer shall bear all of the cost of conducting mediation conferences. Mediation costs shall include the administrative fee and the mediator's fee. The Department signed a contract with the Collins Center for Public Policy to schedule and conduct mediation conferences that provides for a \$250 mediator's fee. Within 5 days of receipt of the request for mediation from the insured or receipt of notice of the request from the Department or immediately after receipt of notice from the Administrator pursuant to Subsection (4) that mediation has been requested, whichever occurs first, the insurer shall pay a non-refundable administrative fee of \$100; not to exceed \$100, as determined by the Department, to the Administrator to defer the expenses of ~~the Administrator and the Department.~~ The insurer shall pay the mediator's fee \$250 to the Administrator ~~for the mediator's fee~~ not later than 5 days prior to the date scheduled for the mediation conference. However, if the mediation is cancelled for any reason more than 120 hours prior to the scheduled mediation time and date, the insurer shall pay \$50 to the Administrator for the mediator's fee instead of \$250. No part of the ~~fee for the mediator's fee~~ shall be refunded to the insurer if the conference is cancelled within 120 hours of the scheduled time.

(6) No change.

(7) Conduct of the Mediation Conference.

(a) Section 627.7015, Florida Statutes, provides that mediation is a non-adversarial process held in an informal, non-threatening forum intended to bring the parties together for a settlement conference without the trappings or drawbacks of an adversarial process. As such, it is not necessary to engage involve a private attorney to participate in the mediation conference and participation by private attorneys is discouraged by the Department. If the insured elects to have an attorney participate in the conference, the insured shall provide the name of the attorney to the Administrator at least six days before the date of the conference. Parties and their representatives must conduct themselves in the cooperative spirit of the intent of the law and this rule. Parties and their representatives must refrain from turning the conference into an adversarial process. Both parties must negotiate in good faith. A party will be determined to have not negotiated in good faith if the party, or a person participating on the party's

behalf, continuously disrupts, becomes unduly argumentative or adversarial, or otherwise inhibits the negotiations as determined by the mediator. The mediator shall terminate the conference if the mediator determines that either party is not negotiating in good faith or if the mediator determines that the conference should be terminated under the provisions of Rule 10.420(b) of the Florida Rules for Certified and Court-Appointed Mediators. The party responsible for causing termination shall be responsible for paying the mediator's fee and the administrative fee for any rescheduled mediation.

(8) Guidelines for the Quality Repair of Residential Property at a Reasonable and Fair Price.

(a) The provisions of insurance policies and applicable statutes require claims payments made by insurers to be sufficient to effectuate required repairs. Further, misrepresentation by any person regarding the cost of repairs is also prohibited. ~~The Department of Financial Services has developed construction pricing guidelines based upon information provided by the construction industry, the insurance industry and nationally recognized vendors that compile and sell construction pricing guidelines. Insurers and policyholders participating in mediations conducted pursuant to this rule shall use Form DFS-II-1610 Guidelines for Quality Repair of Residential Property At A Reasonable and Fair Price, rev. 12/04, hereby incorporated and adopted by reference, as guidelines for repairs to residential property arising in any county of this state in which a state of emergency was declared as a result of a hurricane or tropical storm in 2004. These guidelines are not intended to be used in the context of civil litigation. The guidelines reflect data from both the construction and insurance industries and the ranges take into consideration price differentials between geographic areas of the state.~~

(b) Due to the disparity between the contractor's estimates and the insurer's estimates for the repair or replacement of damaged property, the Department collected construction pricing information from the insurance and construction industries to provide some guidelines on the fair market value of construction materials and labor costs taking into consideration price differentials between the geographic areas of the state. These construction pricing guidelines are set forth in Form DFS-II-1610, Guidelines for Quality Repair of Residential Property at a Reasonable and Fair Price, revised 12/04, which are hereby incorporated and adopted by reference. These construction pricing guidelines may be used by the parties and mediators at the mediation conferences to resolve the disparities in repair and replacement cost estimates and to assist in arriving at a mediated settlement of the claim. The construction pricing guidelines are not intended to be used outside of the mediation conferences taking place as a result of the 2004 hurricanes.

~~(c)(b)~~ The guidelines adopted herein do not apply to any portion of repairs necessary to fulfill the insurer's contractual obligation to restore the insured residence to pre-hurricane condition where, as of the effective date of this rule, there is an executed repair contract to effectuate such repairs for an agreed price and the insurer has tendered full payment for the repair contract amount for those repairs.

(9) through (15) No change.

Specific Authority 624.308, 626.9611, 627.7015(4) FS. Law Implemented 624.307(1)(2)(4)(5), 624.316, 624.3161, 624.317, 624.318, 624.320, 624.324, 624.418(2)(a), 624.4211, 626.859, 626.874, 626.877, 626.9541(1)(a), (e), (i), (u), 626.9561, 626.9641(1)(g), 627.7015 FS. History--New 5-18-05, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tom Terfinko, Assistant Director, Division of Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Marta Arrington, Director, Division of Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 19, 2005

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NO.:

RULE TITLE:

12D-7.003

Exemption of Property of Widows, Widowers, Blind Persons, and Persons Totally and Permanently Disabled; Disabled Ex-Service Members, Spouses

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to this proposed rule, as published in Vol. 31, No. 40, October 7, 2005, issue of the Florida Administrative Weekly. This change is in accordance with Section 120.54(3)(d)1., F.S. The rule title and paragraph (a) of subsection (2) have been changed so that, when adopted, the rule title and this paragraph will read:

12D-7.003 Exemption of Property of Widows, Widowers, Blind Persons, and Persons Totally and Permanently Disabled; Disabled Ex-Service Members ~~Veterans~~, Spouses.

(2)(a) The \$5,000 exemption granted by Section 196.24, Florida Statutes, to disabled ex-service members, as defined in Section 196.012, Florida Statutes, who were discharged under honorable conditions, ~~veterans~~ shall be considered to be the same constitutional disability exemption provided for by