

**SUMMARY:** The rule incorporates standards for determination of eligibility for a free home inspection pursuant to Section 215.5586, F.S. An online application process is established whereby insured homeowners can apply for a free home inspection through the My Safe Florida Home Program.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No Statement of Estimated Regulatory Cost was 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:** 215.5586(6) FS.

**LAW IMPLEMENTED:** 215.5586 FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):**

**DATE AND TIME:** Wednesday, November 8, 2006, 12:00 Noon

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Barb Szumowski @ (850)413-3131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Barb Szumowski, Senior Management Analyst II, Division of Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0320, phone (850)413-3131

**THE FULL TEXT OF THE PROPOSED RULE IS:**

69J-7.003 Inspections.

The standards and procedures for determination of eligibility for a free home inspection pursuant to Section 215.5586 F.S. are set forth in Florida Department of Financial Services Florida Comprehensive Hurricane Damage Mitigation Program My Safe Florida Home Program Homeowner’s Guide to Free Home Inspections (Eff. \_\_\_\_\_), which is hereby incorporated by reference into this rule.

Specific Authority 215.5586(6) FS. Law Implemented 215.5586 FS. History–New \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Barb Szumowski, Senior Management Analyst II, Division of Consumer Services

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Lisa Miller, Deputy Chief Financial Officer

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** August 29, 2006

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** September 8, 2006

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

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Health Quality Assurance**

**RULE CHAPTER NO.:** RULE CHAPTER TITLE:

59A-31 Disputed Reimbursement Rule

**RULE NO.:** RULE TITLE:

59A-31.007 Service of Petition on Carrier and Affected Parties

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 29, July 21, 2006, issue of the Florida Administrative Weekly. This change deletes subsection (2) from 59A-31.007 as it appeared in the previous Notice of Change published in Vol. 32, No. 36, September 8, 2006 issue of the Florida Administrative Weekly and makes numbering changes to reflect the deletion.

59A-31.007 Service of Petition on Carrier and Affected Parties.

- (1) No change.
- (3) through (5) renumbered (2) through (4) No change.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.020                      RULE TITLE: Payment Methodology for Inpatient Hospital Services

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, Vol. 32, No. 31, on August 4, 2006.

In the Title XIX Inpatient Hospital Reimbursement Plan, as incorporated into this rule by reference:

Section V.C 16 (b)

- b. Effective July 1, 2006 ~~the reduction implemented during the period July 1, 2005 through June 30, 2006 shall become a recurring annual reduction. This recurring reduction, called the Medicaid Trend Adjustment, shall be applied proportionally to all rates on an annual basis. reimbursement rates shall be adjusted as follows: The aggregate annual total estimated savings of \$100,537,618 shall be implemented by a proportional adjustment to each provider's rate.~~

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.030                      RULE TITLE: Payment Methodology for Outpatient Hospital Services

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, Vol. 32, No. 31, on August 4, 2006.

In the Title XIX Outpatient Hospital Reimbursement Plan, as incorporated into this rule by reference:

Section III.F. Allowable Costs

- 1. The term "public hospital" has been replaced with non-state-government owned or operated facility in accordance with 42 CFR §417.272.

Section V.15 Standards

- 2. The term "public hospital" has been replaced with non-state government owned or operated facility in accordance with 42 CFR §417.272.
- 3. The phrase "contingent on the public hospital or local governmental entity providing the required state match" has been deleted from the plan language.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.030                      RULE TITLE: Payment Methodology for Outpatient Hospital Services

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, Vol. 32, No 31, on August 4, 2006.

In the Title XIX Outpatient Hospital Reimbursement Plan, as incorporated into this rule by reference:

Section V.B.9 Methods

- b. Effective July 1, 2006 ~~the reduction implemented during the period July 1, 2005 through June 30, 2006 shall become a recurring annual reduction. This recurring reduction, called the Medicaid Trend Adjustment, shall be applied proportionally to all rates on an annual basis. reimbursement rates shall be adjusted as follows: The aggregate annual total estimated savings of \$16,796,807 shall be implemented by a proportional adjustment to each provider's rate.~~

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-22.0105                      RULE TITLE: Standard for Laws and Rules Course Providers

**NOTICE OF HEARING CANCELLATION AND RESCHEDULING**

The Board of Professional Engineers hereby gives notice that a public hearing on the above-referenced rule which was noticed in Vol. 32, No. 35, of the September 1, 2006 issue, Florida Administrative Weekly and scheduled for October 25, 2006 in Fort Lauderdale has been cancelled. A public hearing on the above-referenced rule as noticed in Vol. 32, No. 31 of the August 4, 2006 issue of the Florida Administrative Weekly is now rescheduled as follows:

DATE AND TIME: November 3, 2006, 10:00 a.m.

PLACE: Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please

contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Board of Accountancy

RULE NO.: 61H1-33.003      RULE TITLE: Continuing Professional Education

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 33, August 18, 2006 issue of the Florida Administrative Weekly has been withdrawn.

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

## DEPARTMENT OF HEALTH

### Board of Osteopathic Medicine

RULE NO.: 64B15-14.011      RULE TITLE: Qualifications of Physicians Who Evaluate and Treat Sex Offenders

#### NOTICE OF PUBLIC HEARING

The Board of Osteopathic Medicine hereby gives notice of a public hearing on the above-referenced rule to be held at 9:00 AM on Saturday, November 18, 2006 at the Board Meeting in the Rosen Plaza Hotel, 9700 International Blvd., Orlando, FL 32819-8114. The rule was originally published in Vol. 32, No. 30 of the July 28, 2006 issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

## DEPARTMENT OF HEALTH

### Board of Osteopathic Medicine

RULE NO.: 64B15-19.002      RULE TITLE: Violations and Penalties

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 35, September 1, 2006 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. The Purpose and Effect for the rule shall now read as follows:

The purpose and effect of this rule is to revise the existing language of the rule to conform with new legislation relating to medical malpractice violations.

2. The Summary for the rule shall now read as follows:

The existing language of the rule is revised to conform with new legislation relating to medical malpractice violations.

3. The second sentence in the initial or introductory paragraph to the rule text shall now read as follows:

The rule language is intended to provide a description of the violation and is not a complete statement of the violation; the complete statement may be found in the statutory provision cited directly under each violation description.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

## DEPARTMENT OF HEALTH

### Board of Respiratory Care

RULE NO.: 64B32-6.004      RULE TITLE: Procedures for Approval of Attendance at Continuing Education Courses

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 38, September 22, 2006 issue of the Florida Administrative Weekly.

The Board held a public hearing on this rule on April 7, 2006, in Jacksonville, Florida, and determined a change to this rule should be made.

The changes are as follows:

(g) Attendance at scheduled public meetings of the Board of Respiratory Care, up to a maximum of 8 continuing education direct patient care hours per biennium.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

**DEPARTMENT OF FINANCIAL SERVICES  
Division of Funeral, Cemetery, and Consumer Services**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
69K-12.004	Cancellation of Retail Sales Agreements and Refunds
69K-12.005	Requirements for Retail Sales Agreements

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 25, June 23, 2006 issue of the Florida Administrative Weekly.

When adopted, subsection (4) of Rule 69K-12.004 will read as follows:

(4) The monument establishment may not cancel the agreement unless the purchaser is in default under the terms of the agreement ~~or pursuant to the provisions of Chapter 497, F.S., and Chapter 69K, F.A.C.~~

When adopted, subsection (4) of Rule 69K-12.005 will read as follows:

(4) The agreement form must comply with all disclosure requirements of Sections 497.152 and 497.553 ~~Parts I and V, Chapter 497, F.S.~~

**Section IV  
Emergency Rules**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**Section V  
Petitions and Dispositions Regarding Rule Variance or Waiver**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that BellSouth Telecommunications, Inc.'s petition for waiver from subsection 25-4.079(5), Florida Administrative Code, filed June 1, 2006, in Docket No. 060430-TL was approved by the Commission by Order No. PSC-06-0729-PAA-TL, issued August 30, 2006, consummated by Order No. PSC-06-0794-CO-TL, issued September 25, 2006. The rule addresses the provision of specialized Customer Premises Equipment (CPE) for lease or sale to hearing/speech impaired persons. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the F.A.W. on June 16, 2006.

A copy of the Order can be obtained from: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that on September 28, 2006, the St. Johns River Water Management District, received a petition for variance from Town Center Partners, Ltd., pursuant to Section 120.542, Florida Statutes. Petitioner Town Center Partners, Ltd., is seeking a variance from subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005) (A.H.), for Environmental Resource Permit (ERP) Application 4-009-63572-24. The permit applicant is proposing to construct an additional 51 single-family homes and related facilities southeast of the MTWCD Canal No. 42 for a surface water management system known as Fairway Isles at Bayside Lakes, Phase III Subdivision, in Brevard County. Subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3., A.H., prohibit the construction, operation, and maintenance of a surface water management system in the Upper St. Johns River Hydrologic Basin that results in an increase in the amount of water being diverted from the Basin to coastal receiving waters. These