

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0782
RULE TITLE: Florida Schools of Excellence
Commission Cosponsor
Application

PURPOSE AND EFFECT: The purpose of the proposed rule development is to create a charter school cosponsor application and approval process for the Florida Schools of Excellence Commission. The effect of this development is to provide consistency to the application, eligibility and evaluation process of cosponsor applications submitted to the commission.

SUBJECT AREA TO BE ADDRESSED: Florida Schools of Excellence Commission cosponsor application process.

SPECIFIC AUTHORITY: 1002.335 FS.

LAW IMPLEMENTED: 1002.335 FS.

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

DATE AND TIME: Friday, November 17, 2006, 1:00 p.m.–3:00 p.m.

PLACE: Nova Southeastern University, 4850 Millenia Blvd., Room 126, Orlando, FL 32839

DATE AND TIME: Friday, November 17, 2006, 3:00 p.m.–5:00 p.m.

PLACE: Florida Department of Education, 325 W. Gaines Street, Room 1703, Tallahassee, FL 32399

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400. Written comments may also be submitted to the Agency Clerk until November 20, 2006.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-10.044
RULE TITLE: Residency for Tuition Purposes

PURPOSE AND EFFECT: The rule outlines specific provisions and definitions associated with determining residency for tuition purposes.

SUBJECT AREA TO BE ADDRESSED: The proposed revisions are intended to clarify the process of reclassification based on legislative direction from the 2005 Legislative Session. In addition, definitions are provided for the determination of independent and dependent status based on federal guidelines. The proposed changes mirror the Free Application for Federal Student Aid (FAFSA) requirements to align how an independent student is defined by both the Offices of Financial Aid and Admissions/Registration.

SPECIFIC AUTHORITY: 1009.21(11) FS.

LAW IMPLEMENTED: 1009.21 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Heather Sherry, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-9483

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-10.044 Residency for Tuition Purposes.

The purpose of this rule is to establish consistent policies for the classification of students as residents for tuition purposes. The determinations of classification or reclassification shall be consistent to assure that students are classified the same regardless of the institution determining the classification.

(1) through (6) No change.

(7) An applicant, who at the time of initial classification is not classified as an All Florida resident for tuition purposes, shall be further assessed by the institution to which the applicant is applying. The student shall provide clear and convincing evidence that establishes that he or she, or if a dependent, the student's mother, father, or legal guardian, has been a Florida resident for the preceding twelve (12) consecutive months. No single piece of documentation shall be conclusive.

(a) The documentation may include, but is not limited to, the following: driver's license, voter registration card, vehicle registration, declaration of domicile, proof of purchase of a permanent home, transcripts from a Florida school for multiple years, proof of permanent full-time employment, a Professional or Occupational License, Florida incorporation,

documents evidencing family ties, proof of membership in organizations, and any other documentation that supports the student's request for resident status.

(b) A student who meets any one of the following criteria shall be classified as an independent student for the determination of residency for tuition purposes:

1. The student is 24 years of age or older by the first day of classes of the term for which residency status is sought at a Florida institution;

2. The student is married;

3. The student has children who receive more than half of their support from the student;

4. The student has other dependents who live with and receive more than half of their support from the student;

5. The student is a veteran of the United States Armed Forces or is currently serving on active duty in the United States Armed Forces for purposes other than training;

6. Both of the student's parents are deceased or the student is or was (until age 18) a ward/dependent of the court;

7. The student is working on a master's or doctoral degree during the term for which residency status is sought at a Florida institution; or

8. The student is classified as an independent by the financial aid office at the institution.

~~(c)(b) A student who does not meet one of the criteria outlined in paragraph (7)(b) may be classified as an independent student only if he or she submits documentation that he or she provides fifty (50) percent or more of the cost of attendance as defined by the financial aid office at the institution. All other students shall be classified as dependent students for the determination of residency for tuition purposes. A dependent person will be one for whom fifty (50) percent or more of his or her support has been provided by another as defined by the Internal Revenue Service. An independent person will be one who provides more than fifty (50) percent of his or her own support.~~

(d) Dependent or independent status will be based on a copy of a student's or his or her parents' most recent tax return or other documentation.

~~(e) An independent or dependent student who is enrolled full-time in an institution and is seeking to be re-classified as a resident for tuition purposes, must provide such documentation which substantiates that he or she, or if a dependent, the student's mother, father, or guardian, is establishing Florida as his or her permanent domicile and not as a mere temporary residence incident to the enrollment in higher education.~~

(8) A student, or if a dependent his or her father, mother or legal guardian, must maintain legal residence in the state of Florida for at least twelve (12) consecutive months immediately prior to the first day of classes of the term for which residency status is sought at a Florida institution. Institutions may establish submission deadlines for all documentation that will be used to determine residency for

tuition purposes. The burden of providing the documentation, which justifies the classification of a student as a resident for tuition purposes, rests with the applicant.

(9) An individual who is initially classified as a nonresident for tuition purposes may become eligible for reclassification as a resident for tuition purposes only if that individual, or his or her parent if that individual is a dependent child, supports permanent residency in this state for 12 consecutive months. The individual, or his or her parent if that individual is a dependent child, must present documentation that substantiates residency in this state for the purpose of maintaining a bona fide domicile, rather than for the purpose of maintaining a mere temporary residence or abode incident to enrollment in an institution of higher education.

~~(10)(9)~~ Notwithstanding the foregoing, institutions shall classify persons as residents for tuition purposes in accordance with the criteria set forth in Section 1009.21, Florida Statutes.

~~(11)(40)~~ For purposes of determining residency for tuition purposes, any reference to federal or state government shall be construed as meaning U.S. federal or Florida state government.

~~(12)(44)~~ In determining the domicile of a married person, the determination of a legally married person shall be consistent with Chapter 741, Florida Statutes.

~~(13)(42)~~ Definitions.

(a) The term "institution," as used in this rule when adopted by the Board of Governors shall mean state universities, and when adopted by the State Board of Education shall mean community colleges, with the understanding that both Boards shall coordinate and cooperate as a K-20 system.

(b) Community colleges shall mean those set forth in Section 1000.21(3), Florida Statutes.

(c) State universities shall mean those set forth in Section 1000.21(6), Florida Statutes.

~~(d) The term "full-time" shall mean enrollment in twelve (12) or more credits per term for under graduate students and nine (9) or more credits per term for graduate students. Institutions may provide exceptions for students such as, dissertation students, co-op students, or students with disabilities.~~

Specific Authority 1009.21(11) FS. Law Implemented 1009.21(11) FS. History--New 10-6-92, Amended 10-17-00, 3-22-05,_____.

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."

EXECUTIVE OFFICE OF THE GOVERNOR**Office of Tourism, Trade and Economic Development**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

27M-2 Entertainment Industry – Financial Incentive

PURPOSE AND EFFECT: The purpose and effect of the rule development is to implement the provisions of Sections 228.1162 and 288.1171, Florida Statutes, and Laws of Florida 2006-262.

SUBJECT AREA TO BE ADDRESSED: Processing of applications for funding pursuant to Section 212.20, F.S.

SPECIFIC AUTHORITY: 288.1162 FS.

LAW IMPLEMENTED: 228.1254, 288.1171, 1258 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ted Bonanno, Executive Director, Office of Tourism, Trade, and Economic Development, The Capitol, Suite 2001, Tallahassee, Florida 32399-0001

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

WATER MANAGEMENT DISTRICTS**St. Johns River Water Management District**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40C-2 Permitting of Consumptive Uses of Water (Formerly 16I-2)

RULE NOS.: RULE TITLES:

40C-2.031 Implementation

40C-2.101 Publications Incorporated by Reference

40C-2.301 Conditions for Issuance of Permits

40C-2.321 Duration of Permit

40C-2.331 Modification of Permits

40C-2.361 Renewal of Permits

40C-2.381 Limiting Conditions

40C-2.900 Forms and Instructions

PURPOSE AND EFFECT: This rule development will address the development and amendment of consumptive use permit criteria and conditions for public water supply in Central Florida including Orange, Osceola, Seminole Counties, southern Lake County, and the City of Cocoa's public supply service area in Brevard County. This St. Johns River Water Management District rule development is proposed to be coordinated with similar rule development by the South Florida Water Management District in Orange, Osceola, and Polk Counties and by the Southwest Florida Water Management District in Polk County. This rule development

will make appropriate rule amendments to Chapter 40C-2, F.A.C., and the Applicant's Handbook: Consumptive Uses of Water to address the three Districts' joint conclusion that sustainable quantities of groundwater in Central Florida are insufficient to meet future public water supply demands and that there is an immediate need to develop and implement alternative water supply projects in Central Florida, as described in the document entitled "Recommended Action Plan for the Central Florida Coordination Area." This document is available from the St. Johns River Water Management District's Rules Coordinator at the address specified below.

SUBJECT AREA TO BE ADDRESSED: Consumptive use permit criteria and conditions applicable to public water supply applicants in Central Florida.

SPECIFIC AUTHORITY: 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.219, 373.223, 373.229, 373.236, 373.239 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: November 29, 2006, 3:00 p.m.

PLACE: Renaissance Orlando Resort at Sea World, Palani Sailfish Room, 6677 Sea Harbor Drive, Orlando, Florida 32821

DATE AND TIME: December 19, 2006, 9:00 a.m.

PLACE: Haines City Commission Chambers, City Hall, 502 East Hinson Avenue, Haines City, Florida 33844

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459, email nmesser@sjrwmd.com

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

WATER MANAGEMENT DISTRICTS**St. Johns River Water Management District**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40C-20 Standard General Water Use Permits

RULE NOS.: RULE TITLES:

40C-20.301 Conditions for Issuance of Authorization

40C-20.321 Duration of Permit

40C-20.900 Forms and Instructions

PURPOSE AND EFFECT: This rule development will address the development and amendment of consumptive use permit criteria and conditions for public water supply in Central Florida including Orange, Osceola, Seminole Counties, southern Lake County, and the City of Cocoa's public supply service area in Brevard County. This St. Johns River Water Management District rule development is proposed to be

coordinated with similar rule development by the South Florida Water Management District in Orange, Osceola, and Polk Counties and by the Southwest Florida Water Management District in Polk County. This rule development will make appropriate rule amendments to Chapter 40C-20, F.A.C., to address the three Districts' joint conclusion that sustainable quantities of groundwater in Central Florida are insufficient to meet future public water supply demands and that there is an immediate need to develop and implement alternative water supply projects in Central Florida, as described in the document entitled "Recommended Action Plan for the Central Florida Coordination Area." This document is available from the St. Johns River Water Management District's Rules Coordinator at the address specified below.

SUBJECT AREA TO BE ADDRESSED: Consumptive use permit criteria and conditions applicable to public water supply applicants in Central Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.216, 373.219, 373.223, 373.229, 373.236, 373.239 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: November 29, 2006, 3:00 p.m.

PLACE: Renaissance Orlando Resort at Sea World, Palani Sailfish Room, 6677 Sea Harbor Drive, Orlando, Florida 32821

DATE AND TIME: December 19, 2006, 9:00 a.m.

PLACE: Haines City Commission Chambers located at City Hall, 502 East Hinson Avenue, Haines City, Florida 33844

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459, email nmesser@sjrwmd.com

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

40D-2 Water Use Permits

RULE NOS.: **RULE TITLES:**

40D-2.031 Implementation

40D-2.091 Publications Incorporated By Reference

40D-2.301 Conditions for Issuance of Permits

40D-2.321 Duration of Permits

40D-2.331 Modification of Permits

40D-2.341 Revocation and Cancellation of Permits

40D-2.361 Renewal of Permits

40D-2.381 Standard Permit Conditions

40D-2.801 Water Use Caution Areas

PURPOSE AND EFFECT: This rule development will address the development and amendment of consumptive use permit criteria and conditions for public water supply in Central Florida including Polk County. This rule development is proposed to be coordinated with similar rule development by the South Florida Water Management District in Orange, Osceola, and Polk Counties; and by the St. Johns River Water Management District in Orange, Osceola, and Seminole Counties, southern Lake County, and the City of Cocoa's public supply service in Brevard County. This rule development will make appropriate rule amendments to Chapter 40D-2, F.A.C., and the Basis of Review For Water Use Permit Applications to address the three District's joint conclusion that sustainable quantities of ground water in Central Florida are insufficient to meet future public water supply demands and that there is an immediate need to develop and implement alternative water supply projects in Central Florida, as described in the document entitled "Recommended Action Plan for the Central Florida Coordination Area." This document is available from the Southwest Florida Water Management District at the address specified below.

SUBJECT AREA TO BE ADDRESSED: Water use permit criteria and conditions applicable to public water supply applicants in Central Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.216, 373.219, 373.223, 373.229, 373.236, 373.239 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: November 29, 2006, 3:00 p.m.

PLACE: Palani Sailfish Room at the Renaissance Orlando Resort at SeaWorld, 6677 Sea Harbor Drive, Orlando, FL 32821

DATE AND TIME: December 19, 2006, 9:00 a.m.

PLACE: Haines City Commission Chambers located at City Hall, 502 E. Hinson Avenue, Haines City, FL 33844

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651. 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.

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

WATER MANAGEMENT DISTRICTS**Southwest Florida Water Management District**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40D-8 Water Levels and Rates of Flow

RULE NO. RULE TITLE:

40D-8.624 Guidance and Minimum Levels for
Lakes

PURPOSE AND EFFECT: To amend Chapter 40D-8, Florida Administrative Code, to incorporate the next set of priority lakes pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Crews Lake, Lake Iola, Jessamine Lake, Pasco Lake, Pierce Lake and Unnamed Lake Number 22 (a.k.a. Loyce Lake) in Pasco County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

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

DATE AND TIME: November 21, 2006, 7:00 p.m.

PLACE: Land O'Lakes Community Center, 5401 Land O'Lakes Blvd. (U.S. Highway 41), Land O'Lakes, Florida 34639

WHAT: Public workshop on proposed minimum lake levels and guidance levels for Crews Lake, Lake Iola, Jessamine Lake, Pasco Lake, Pierce Lake and Unnamed Lake Number 22 (a.k.a. Loyce Lake) in Pasco County, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Doug Leeper, Senior Environmental Scientist, Resource Conservation and Development Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272. The District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American's With Disability Act should contact Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878.

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

WATER MANAGEMENT DISTRICTS**South Florida Water Management District**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40E-2 Consumptive Use

RULE NOS.: RULE TITLES:

40E-2.091 Publications Incorporated by
Reference

40E-2.301 Conditions for Issuance of Permits

40E-2.321 Duration of Permit

40E-2.331 Modification of Permits

40E-2.381 Limiting Conditions

PURPOSE AND EFFECT: To address the development and amendment of consumptive use permit criteria and conditions for public water supply in Central Florida including Orange, Osceola and Polk Counties. This rule development is proposed to be coordinated with similar rule development by the St. Johns River Water Management District in Orange, Osceola, Seminole Counties, southern Lake County and the City of Cocoa's public service area in Brevard County, and by the Southwest Florida Water Management District in Polk County. This rule development will make appropriate rule amendments to Chapter 40E-2, F.A.C., and the "Basis of Review for Consumptive Use Permit Applications Within the South Florida Water Management District" to address the three Districts' joint conclusion that sustainable quantities of groundwater in Central Florida are insufficient to meet future public water supply demands and that there is an immediate need to develop and implement alternative water supply projects in Central Florida, as described in the document entitled "Recommended Action Plan for the Central Florida Coordination Area." This document is available from Jan Sluth, Paralegal, South Florida Water Management District, at the address specified below.

SUBJECT AREA TO BE ADDRESSED: Consumptive use permit criteria and conditions applicable to public water supply applicants in Central Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.023, 373.042, 373.0421, 373.185, 373.219, 373.223, 373.224, 373.226, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: November 29, 2006, 3:00 p.m.

PLACE: Renaissance Orlando Resort at SeaWorld, 6677 Sea Harbor Drive, Orlando, FL 32821

DATE AND TIME: December 19, 2006, 9:00 a.m.

PLACE: Haines City Hall Commission Chambers, 502 E. Hinson Avenue, Haines City, FL 33844

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, at (561) 682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Elizabeth D. Ross, Senior Specialist Attorney, South Florida Water Management District, Post Office Box 24680, West

Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6257 or (561)682-6257, email: bross@sfwmd.gov. For procedural issues: Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, extension 6299, or (561)682-6299, email: jsluth@sfwmd.gov.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40E-20 General Water Use Permits

RULE NOS.: RULE TITLES:

40E-20.091 Publications Incorporated by Reference

40E-20.301 Conditions for Issuance of General Water Use Permits

40E-20.321 Duration of General Water Use Permits

40E-20.331 Modification of General Water Use Permits

40E-20.381 Limiting Conditions

PURPOSE AND EFFECT: To address the development and amendment of consumptive use permit criteria and conditions for public water supply in Central Florida including Orange, Osceola and Polk Counties. This rule development is proposed to be coordinated with similar rule development by the St. Johns River Water Management District in Orange, Osceola, Seminole Counties, southern Lake County and the City of Cocoa's public service area in Brevard County, and by the Southwest Florida Water Management District in Polk County. This rule development will make appropriate rule amendments to Chapter 40E-2, F.A.C., and the "Basis of Review for Consumptive Use Permit Applications Within the South Florida Water Management District" to address the three Districts' joint conclusion that sustainable quantities of groundwater in Central Florida are insufficient to meet future public water supply demands and that there is an immediate need to develop and implement alternative water supply projects in Central Florida, as described in the document entitled "Recommended Action Plan for the Central Florida Coordination Area." This document is available from Jan Sluth, Paralegal, South Florida Water Management District, at the address specified below.

SUBJECT AREA TO BE ADDRESSED: Consumptive use permit criteria and conditions applicable to public water supply applicants in Central Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.103(4), 373.118, 373.219, 373.223, 373.229, 373.236, 373.239 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: November 29, 2006, 3:00 p.m.

PLACE: Renaissance Orlando Resort at SeaWorld, 6677 Sea Harbor Drive, Orlando, FL 32821

DATE AND TIME: December 19, 2006, 9:00 a.m.

PLACE: Haines City Hall Commission Chambers, 502 E. Hinson Avenue, Haines City, FL 33844

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, at (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Elizabeth D. Ross, Senior Specialist Attorney, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6257 or (561)682-6257, email: bross@sfwmd.gov. For procedural issues: Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, extension 6299, or (561)682-6299, email: jsluth@sfwmd.gov.

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE CHAPTER NO.: RULE CHAPTER TITLE:

59A-18 Nurse Registries Standards and Licensing

PURPOSE AND EFFECT: The purpose of this rule development is to revise the Comprehensive Emergency Management Plan format to comply with Chapter 2006-71, Laws of Florida and to update the rules and forms pursuant to Chapter 2006-192, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Emergency management plan minimum criteria, application forms, deletion of items from rule that are now in Chapter 2006-192, Laws of Florida.

SPECIFIC AUTHORITY: 400.506, 400.497 FS.

LAW IMPLEMENTED: 400.506 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jan Benesh, Agency for Health Care Administration, Licensed Home Health Programs Unit, Bureau of Health Facility Regulation, 2727 Mahan Drive – Mail Stop 34, Tallahassee, FL 32308, or beneshj@ahca.myflorida.com or (850)414-6010

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.002	Medicaid Provider Reimbursement Schedule

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference Update July 2006 to the Florida Medicaid Provider Reimbursement Schedule. The update contains the fees for the reinstated hearing, optometric, visual, and dental services for adults age 21 and older. The update also contains corrections to the Birth Center Services Fee Schedule. The effect will be to incorporate into rule Update July 2006 to the Florida Medicaid Provider Reimbursement Schedule.

SUBJECT AREA TO BE ADDRESSED: Medicaid Provider Reimbursement Schedule.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906, 409.908 FS.

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

DATE AND TIME: Monday, November 20, 2006, 3:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jason Ottinger, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.002 Medicaid Provider Reimbursement Schedule.

Medicaid providers who provide the following services and their billing agents who submit claims on behalf of an enrolled Medicaid provider must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Schedule, January 2006, errata January 2006, updated July 2006, which is incorporated by reference: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing,

independent laboratory, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, portable x-ray, registered nurse first assistant, and visual.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.908 FS. History–New 8-18-05, Amended 11-30-05, 4-16-06, 10-11-06,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.:	RULE TITLES:
59G-14.001	Florida KidCare Definitions
59G-14.002	Florida KidCare Grievance Process

PURPOSE AND EFFECT: Section 409.818(3)(e), F.S., directs the Agency for Health Care Administration to establish a mechanism for investigating and resolving complaints and grievances for the Florida KidCare Program. The purpose of the proposed rule is to establish the Agency's Florida KidCare grievance process in rule.

This Notice of Rule Development replaces the Notice of Rule Development that was published in the Vol. 32, No. 40, October 6, 2006, issue of the Florida Administrative Weekly. In that Notice we erroneously advertised the rule development workshop date as Monday, October 23, 2007 instead of October 23, 2006. We are publishing a second Notice of Rule Development to advertise another workshop.

SUBJECT AREA TO BE ADDRESSED: Florida KidCare.

SPECIFIC AUTHORITY: 409.818 FS.

LAW IMPLEMENTED: 409.818 FS.

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

DATE AND TIME: Monday, November 20, 2006, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Blvd., Bldg. 3, Conference Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Angela Wiggins, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7313

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-14.001 Florida KidCare Definitions.

The following definitions are applicable to all sections of Chapter 59G-14, F.A.C. These definitions do not apply to any Medicaid program rules other than those in Chapter 59G-14, F.A.C.

(1) "Complaint" may be either written or verbal. A complaint is an expression of dissatisfaction.

(2) "Problem" may be either written or verbal. It is a question offered for consideration, discussion or solution.

(3) "Grievance" is a formal complaint process initiated only after all other forms of resolution have been exhausted and the complainant has not obtained relief. A grievance must be submitted in writing and must be signed by the complainant.

(4) "Florida KidCare Grievance Committee" or "Committee" is the entity responsible for hearing and resolving complaints and grievances related to the Florida KidCare program as delineated in these procedures.

(5) "Florida KidCare Partners" include the Agency for Health Care Administration, the Department of Children and Families, the Department of Health, and the Florida Healthy Kids Corporation.

Specific Authority 409.818 FS. Law Implemented 409.818 FS. History--New.

59G-14.002 Florida KidCare Grievance Process.

(1) The following provisions apply to the Florida KidCare Grievance Committee:

(a) The Florida KidCare Grievance Committee consists of one representative from each of the following Florida KidCare partners, appointed by their respective organization's agency head:

1. Agency for Health Care Administration.
2. Department of Children and Families.
3. Department of Health.
4. Florida Healthy Kids Corporation.
5. A family representative nominated by the KidCare Partners.

(b) The Agency for Health Care Administration's representative will serve as the committee chairperson. The committee members will elect a co-chair, who will serve as the chairperson in the absence of the Agency's representative.

(c) A quorum of at least three appointed members, or their designated representative (proxy), is required to make decisions on grievance cases the committee hears. Committee members or their designated representative must be present at the meeting to review documentation.

(d) Staff from the Agency for Health Care Administration will serve as committee staff, prepare committee minutes, and prepare communications to affected parties on behalf of the committee.

(e) Unless otherwise specified, committee meetings will be held in Tallahassee at the Agency for Health Care Administration's Headquarters offices.

(2) Initial complaints and problems will be routed to the appropriate KidCare partner for resolution. All initial complaints and problems must be answered within a reasonable length of time, not to exceed ten (10) business days from initial filing by the complainant, unless the complainant and affected KidCare partner mutually agree to extend the

time. Emergency issues will be addressed within twenty-four (24) hours. Only when the affected KidCare partner has failed to provide relief may the issue be elevated to the form of a formal grievance for review by the committee.

(3) Florida KidCare Grievance Procedures.

(a) A formal grievance must be submitted to the committee in writing and signed by the complainant. The complainant may submit the request on the KidCare Formal Grievance Request Form, AHCA Med-Serv Form 009, Sept. 06, which is incorporated by reference. In the event that a complainant is unable to submit a request in writing, assistance will be provided and a dictation of the grievance will be accepted. All formal grievances must be sent to: Florida KidCare Grievance Committee, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308.

(b) In the event a formal grievance is submitted by someone other than the custodial parent or legal guardian, no confidential information will be released to the complainant. The grievance will be investigated and notification will be sent to the custodial parent or legal guardian.

(c) Upon receipt of a formal grievance, the Agency for Health Care Administration staff will send a letter of acknowledgement to the complainant informing them of the process, established time frames, and any additional information needed to proceed. If additional information is necessary, the KidCare Formal Grievance Request Form, AHCA Med-Serv Form 009, will be sent to the complainant for completion.

(d) Agency for Health Care Administration staff will review the grievance and determine if the affected KidCare partner used appropriate measures in handling the previous problem and complaint phases of resolution. When necessary, the appropriate KidCare partner will be contacted and asked to provide information relevant to the case. If the affected KidCare partner used appropriate action in handling the grievance, the complainant will be notified in writing.

(e) If it is determined that further remedy is warranted, the committee will be required to hear the grievance. The committee shall hear the grievance at its next regularly scheduled meeting.

(f) The committee shall meet the second Monday of each month. The committee will not meet if there are no pending grievances. Additional meetings to resolve a grievance will be scheduled, as needed. If further documentation is necessary for the committee to reach a decision, extensions of thirty (30) days will be granted. The complainant will be notified in writing of each extension. When a decision is rendered by the committee, the complainant will be notified in writing within thirty (30) calendar days.

(g) The committee members will review all pertinent information. When committee members have assessed the grievance information presented, the committee members will verbally vote to render a decision. The committee's decision

will be based on a majority vote. The decision of the committee is final and all KidCare partners will abide by such decision.

(h) The KidCare grievance process will comply with Section 409.821, Florida Statutes, with regard to confidentiality of records for the Florida KidCare program.

(4) The Florida KidCare Grievance Committee will hear grievances for which no other vehicle of remedy exists. Grievances heard by the committee shall include eligibility issues relating to Healthy Kids, MediKids or the Children's Medical Services Network. Grievances involving more than one KidCare program will be addressed by this committee. Complaints, problems or grievances associated with the following issues will not be heard by the Florida KidCare Grievance Committee:

(a) Quality of care. When contacted with quality of care complaints, problems or grievances, the Florida KidCare partners will make appropriate referrals to existing mechanisms to address these issues.

(b) Benefits disputes. Each Florida KidCare partner is responsible for resolving disputes about benefits relating to its own program.

(c) Medicaid eligibility issues. All decisions made by the Department of Children and Families with respect to Medicaid eligibility are final and may not be appealed beyond the Department's own fair hearing process.

Specific Authority 409.818 FS. Law Implemented 409.818 FS. History—New.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.:	RULE TITLES:
61-19.002	Definitions
61-19.004	Surety Bond
61-19.005	Fees
61-19.006	Renewal
61-19.008	Temporary Operation Upon Absence of Licensed Individuals
61-19.010	Miscellaneous Provisions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments is as follows: to update the existing rules to comport with recommended practices of the Division of Professions, Talent Agencies; to correct spelling within existing rules; to add fee provisions for unlicensed activity as well as fingerprint and background checks; and elimination of criteria for selection of investigators.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed by these rules is the licensing and regulation of talent agencies in the state of Florida.

SPECIFIC AUTHORITY: 468.402(3) FS.

LAW IMPLEMENTED: Chapter 468, Part VII, 455.219, 455.203 FS.

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

DATE AND TIME: Friday, December 1, 2006, 2:30 p.m. – 4:00 p.m.

PLACE: Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 North Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND TO OBTAIN A COPY OF THE PRELIMINARY DRAFT IS: Jennifer A. Tschetter, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by contacting Jennifer A. Tschetter at (850)488-0062. If you are hearing or speech impaired, please contact the Commission office using the Florida Dual Party Relay System which can be reached at 1(800)955-8700 (Voice) or 1(800)955-8771 (TTD).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.:	RULE TITLE:
61G4-16.001	Written Certification Examination Requirements

PURPOSE AND EFFECT: The Board proposes a rule amendment for consideration of a laws and rules exam requirement.

SUBJECT AREA TO BE ADDRESSED: Written Certification Examination Requirements.

SPECIFIC AUTHORITY: 455.217, 489.108 FS.

LAW IMPLEMENTED: 455.217, 489.113 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.:	RULE TITLE:
61G4-18.001	Continuing Education Requirements for Certificateholders and Registrants

PURPOSE AND EFFECT: The Board proposes a rule amendment for consideration of modification of continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements for Certificateholders and Registrants.

SPECIFIC AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 489.108 FS.

LAW IMPLEMENTED: 455.2123, 455.213(6), 455.2177, 455.2178, 455.2179, 455.271(6), 489.115, 489.116 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

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 JUVENILE JUSTICE

Staff Training

RULE NO.:	RULE TITLE:
63H-2	Direct-Care Staff Training
RULE NOS.:	RULE TITLES:
63H-2.001	Purpose and Scope
63H-2.002	Definitions
63H-2.003	Contracted Residential Staff
63H-2.004	Contracted Non-Residential Staff
63H-2.005	State Residential Staff
63H-2.006	State Non-Residential Staff
63H-2.007	Contracted and State Detention Staff

PURPOSE AND EFFECT: The rule establishes a statewide framework to implement procedures governing the certification, pre-service, and in-service training of direct-care staff.

SUBJECT AREA TO BE ADDRESSED: Staff training requirements in state and contracted juvenile delinquency programs.

SPECIFIC AUTHORITY: 20.316, 985.405, 985.404 FS.

LAW IMPLEMENTED: 985.404(9) FS.

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

DATE AND TIME: Friday, November 17, 2006, 10:00 a.m. – 11:00 a.m.

PLACE: DJJ Headquarters, Knight Building, Room 108, 2737 Centerview Dr., Tallahassee, Florida

DATE AND TIME: Friday, November 17, 2006, 10:00 a.m. – 11:00 a.m.

PLACE: Atrium Centre, 4801 S. University Drive, Suite 202, Davie, Florida

DATE AND TIME: Friday, November 17, 2006, 10:00 a.m. – 11:00 a.m.

PLACE: DJJ Residential Services Central Region Office, 4524 Oak Fair Blvd., Ste. 200, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Clyde Benedix, 2737 Centerview Drive, Ste. 312-I, Tallahassee, FL 32399-3100, e-mail clyde.benedix@dj.j.state.fl.us.

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

DEPARTMENT OF HEALTH

RULE CHAPTER NO.: RULE CHAPTER TITLE:

64-3 Special Needs Shelter

RULE NOS.: RULE TITLES:

64-3.010 Authority

64-3.020 Definition of a "Person With Special Needs"

64-3.030 Guidelines for Special Needs Shelter Staffing Levels

64-3.040 Definition of Special Needs Shelter Supplies and Equipment

64-3.050 Special Needs Shelter Registration Process

64-3.060 Addressing the Needs of Families

64-3.070 Pre-event Planning Activities

64-3.080 Service Reimbursement

PURPOSE AND EFFECT: The purpose of the proposed rules is to implement Section 381.0303(3) and Section 381.0303(6), F.S. The statute establishes requirements for definitions,

guidelines and standards related to persons with special needs, the registration process for persons with special needs and special needs shelters.

SUBJECT AREA TO BE ADDRESSED: Special Needs Shelter.

SPECIFIC AUTHORITY: 381.0303(3), (6) FS.

LAW IMPLEMENTED: 381.0303(3), (6) FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: November 29, 2006, 9:00 a.m. – 4:00 p.m.

PLACE: R. A. Gray Building, Heritage Hall – Auditorium, First Floor, 500 South Bronough Street, Tallahassee, FL 32301

DATE AND TIME: December 6, 2006, 9:00 a.m. – 4:00 p.m.

PLACE: University of Central Florida – Downtown Orlando Campus, Ying Academic Center, Room 109, 36 West Pine Street, Orlando, FL 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Christie Brown, 4052 Bald Cypress Way, Bin C27, Tallahassee, FL 32399-1711, Phone Number: (850)245-4444, Extension: 3871

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64-3.010 Authority.

These rules regarding the special needs shelters are adopted pursuant to Section 381.0303, Florida Statutes.

Specific Authority 381.0303(6)(a)-(g) FS. Law Implemented 381.0303(6)(a)-(g) FS. History–New _____.

64-3.020 Definition of a “Person With Special Needs”.

(1) A person with special needs is defined as a person who during periods of evacuation, either mandatory or voluntary, will require assistance that exceeds the basic level of care provided at the general population shelter but will not require the level of skilled medical care provided at institutional facilities.

(2) Criteria for special needs shelter client may include, but not be limited to:

(a) A person with a stable medical condition that requires periodic observation, assessment, and maintenance e.g., glucose readings, vital signs, ostomy care, urinary catheter.

(b) A person requiring periodic wound care assistance, e.g., dressing changes.

(c) A person with limitations that requires assistance with activities of daily living.

(d) A person requiring and needing assistance with oral, subcutaneous or intramuscular injectable, or topical medication.

(e) A person requiring minimal assistance with ambulation, position change and transfer i.e. able to move more than 100 feet with or without an assistive device.

(f) A person requiring oxygen that can be manually supplied.

(g) A person medically dependent on uninterrupted electricity for therapies including but not limited to oxygen, nebulizer, and feeding tubes. Ventilator dependent persons and persons with multiple special needs requiring a higher level of care, may need to be referred to a skilled medical facility.

(h) A person with mental or cognitive limitations requiring assistance who is accompanied by an appropriate fulltime caregiver for the duration of their stay in the shelter.

(i) A person requiring fulltime care who is accompanied by an appropriate fulltime caregiver for the duration of their stay in the shelter.

(j) A person whose weight does not exceed the safety weight restrictions of provided cots.

(k) A person who can be safely transferred and does not require specialty lifting or transferring equipment. A person requiring a stretcher to be transported may need to be referred to a higher skilled medical facility.

(3) Special needs shelter services provided during an emergency are supplied when practical, in an environment that can help to maintain pre-disaster levels of health.

(4) Every reasonable effort should be made to avoid admitting a client with a known infectious condition, who requires isolation, e.g. Methicillin Resistant *Staphylococcus aureus* (MRSA), or who requires respiratory isolation such as infectious Tuberculosis (TB).

(5) Counties with special needs shelters having resources that can safely accept a person exceeding the above criteria may choose to do so.

Specific Authority 381.0303(6)(a) FS. Law Implemented 381.0303(6)(a) FS. History–New _____.

64-3.030 Guidelines for Special Needs Shelter Staffing Levels.

(1) Each special needs shelter will be staffed at a minimum with one registered nurse or advanced registered nurse practitioner on every shift during the sheltering event.

(2) When practical, the special needs shelter will be additionally staffed with one licensed practitioner such as a licensed practical nurse, registered nurse, advanced registered nurse practitioner or medical doctor per 20 special needs shelter clients per shift during the sheltering event.

(3) When practical, the special needs shelter will be additionally staffed with one unlicensed personnel per 20 special needs shelter clients per shift during the sheltering event.

Specific Authority 381.0303(6)(c) FS. Law Implemented 381.0303(6)(c) FS. History–New _____.

64-3.040 Definition of Special Needs Shelter Supplies and Equipment.

(1) Special needs shelter supplies and equipment are the items necessary to provide services in a special needs shelter during an emergency to help maintain the client's pre-disaster levels of health.

(2) The Department of Health will maintain a list of recommended special needs shelter supplies and equipment which will be provided upon request.

(3) The client or client's Home Medical Equipment provider will be required to bring all life sustaining or life supporting equipment to the special needs shelter in accordance with Section 400.925(13) and Section 400.934(20)(a)1., Florida Statutes.

Specific Authority 381.0303(6)(d) FS. Law Implemented 381.0303(6)(d) FS. History--New _____.

64-3.050 Special Needs Shelter Registration Process.

(1) The registry application will gather information on the person with special needs including but not limited to the following:

(a) Full name.

(b) Phone number and street address including the city and zip code.

(c) Medicare or Medicaid number.

(d) Social Security number.

(e) Height and weight.

(f) Primary language.

(g) Emergency Contact information for a local and non-local emergency point of contact including the name, relationship, and phone number.

(h) Residence type and living situation whether alone or with a relative or caregiver.

(i) Any type of medical dependence on electricity, such as oxygen concentrator, nebulizer, feeding pump, continuous positive airway pressure equipment suction equipment or medication requiring refrigeration.

(j) Any type of medical dependence on oxygen, including the type, rate and mode of administration.

(k) Any assistance required with medications including insulin injections or insulin pump.

(l) Any cognitive impairment, mental health problems, psychiatric or personality disorder such as Alzheimer's disease, dementia, attention deficit hyperactivity disorder, obsessive compulsive disorder, autism, conduct disorder, anxiety, and depression.

(m) Any sensory loss or impairment and any related assistive device.

(n) Any mobility impairment and any related assistive device.

(o) Any use of a trained service animal.

(p) Any type of incontinence or dependence on dialysis.

(q) Do not resuscitate status.

(r) Name and contact information for any other medical support providers, such as primary medical doctor, home health agency, hospice, nurse registry, home medical equipment provider, dialysis center, and pharmacy.

(s) A list of all medical conditions, such as allergies, immune suppression, tracheostomy, and central venous line.

(t) A list of all medications including nutritional supplements and over the counter pharmaceuticals.

(u) Any transportation needs.

(v) Name and health condition of any caregiver and family to accompany them to a shelter in an evacuation event and identify if the caregiver is aware of the client's care needs and the extent to which he is able to provide the necessary care.

(w) Any type of dietary formula or dietary restrictions.

(2) The registry application will be provided to the county health department at pre-determined intervals established jointly by the county emergency management and the county health department, at least twice annually.

(3) The county health department will review the registry application to determine if the applicant is appropriate to place in the special needs shelter during an evacuation event. The county health department will subsequently notify the county emergency management agency of the determination and if approved for placement in the special needs shelter, the individual will be added to the county emergency management agency's special needs shelter list.

(4) The applications of all persons with special needs which are on the county emergency management agency's special needs shelter will be provided upon request to the county health department immediately prior to or during a sheltering event.

(5) Persons with special needs who are unregistered, but who arrive at the special needs shelter during a sheltering event will be assessed at the point of intake to the activated SpNS, and a determination for appropriate shelter placement will be made. If the individual is determined to be appropriately placed in the special needs shelter, he will be sheltered at the special needs shelter. During the sheltering event, the registry application information will be gathered and provided back to the county emergency management agency who will add the individual to the special needs shelter list.

Specific Authority 381.0303(6)(e) FS. Law Implemented 381.0303(6)(e) FS. History--New _____.

64-3.060 Addressing the Needs of Families.

(1) Families, with a dependent who is eligible for admission to a special needs shelter, will be allowed to shelter together in the special needs shelter.

(2) Adults, with special needs who are caregivers for individuals without special needs, will be allowed to shelter together in the special needs shelter.

Specific Authority 381.0303(6)(f) FS. Law Implemented 381.0303(6)(f) FS. History-New.

64-3.070 Pre-event Planning Activities.

In cooperation with the local emergency management agency, the county health department will seek the participation of hospitals, nursing homes, assisted living facilities, home health agencies, hospice providers, nurse registries, home health equipment providers, oxygen providers, dialysis centers, and other health and medical emergency preparedness stakeholders in pre-event planning activities.

Specific Authority 381.0303(6)(g) FS. Law Implemented 381.0303(6)(g) FS. History-New.

64-3.080 Service Reimbursement.

Text is not available at this time.

Specific Authority 381.0303(3)(a)2., 381.0303(6)(b) FS. Law Implemented 381.0303(3)(a)2., 381.0303(3)(b), 381.0303(6)(b) FS. History-New.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: RULE TITLE:

64B1-4.001 Acupuncture Program Requirements

PURPOSE AND EFFECT: To address legislative changes to the HIV/AIDS class requirement.

SUBJECT AREA TO BE ADDRESSED: Acupuncture Program Requirements.

SPECIFIC AUTHORITY: 456.033, 457.102, 457.104, 457.105 FS.

LAW IMPLEMENTED: 456.033, 457.102, 457.105 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pam King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: RULE TITLE:

64B1-7.001 Biennial Renewal of License

PURPOSE AND EFFECT: To address legislative changes to the HIV/AIDS class requirement.

SUBJECT AREA TO BE ADDRESSED: Biennial Renewal of License.

SPECIFIC AUTHORITY: 456.013, 456.033, 456.036, 457.104, 457.107, 457.108 FS.

LAW IMPLEMENTED: 456.013, 456.033, 456.036, 457.107, 457.108 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pam King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-0750
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: RULE TITLE:

64B1-7.0015 Continuing Education Requirement

PURPOSE AND EFFECT: To address legislative changes regarding the HIV/AIDS class requirement.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirement.

SPECIFIC AUTHORITY: 456.013, 456.033, 457.104, 457.107, 457.108, 457.1085 FS.

LAW IMPLEMENTED: 456.013, 456.033, 457.107, 457.108, 457.1085, 457.109 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pam King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety Program

RULE CHAPTER NO.: RULE CHAPTER TITLE:

65C-32 Parenting Course for Divorcing

Parents in the State of Florida

PURPOSE AND EFFECT: This rule outlines the procedures regarding parenting courses for divorcing parents of minor children in the state of Florida.

SUBJECT AREA TO BE ADDRESSED: Course content and approval and potential revocation by the Department of Children and Family Services

SPECIFIC AUTHORITY: 61.21(2) FS.

LAW IMPLEMENTED: 61.21 FS.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 5, 2006, 9:00 a.m.

PLACE: Building 4, 1317 Winewood Blvd., Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Tiffany Lynn, Building 6, 1317 Winewood Blvd., Tallahassee, FL 32399, (850)414-1840

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

FLORIDA HOUSING FINANCE CORPORATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
67-21	Multifamily Mortgage Revenue Bonds (MMRB)
RULE NOS.:	RULE TITLES:
67-21.002	Definitions
67-21.003	Application and Selection Process for Developments
67-21.0035	Applicant Administrative Appeal Procedures
67-21.004	Federal Set-Aside Requirements
67-21.0045	Determination of Method of Bond Sale
67-21.006	Development Requirements
67-21.007	Fees
67-21.008	Terms and Conditions of MMRB Loans
67-21.009	Interest Rate on Mortgage Loans
67-21.010	Issuance of Revenue Bonds
67-21.013	Non-Credit Enhanced Multifamily Mortgage Revenue Bonds
67-21.014	Credit Underwriting Procedures
67-21.015	Use of Bonds with Other Affordable Housing Finance Programs
67-21.017	Transfer of Ownership
67-21.018	Refundings and Troubled Development Review
67-21.019	Issuance of Bonds for Section 501(c)(3) Entities

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall administer the Application process, determine loan amounts, and make and service mortgage loans for new construction or rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Sections 142 and 145 of the Code and Section 420.509, F.S.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2007 application and program requirements for the MMRB Program, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.).

SPECIFIC AUTHORITY: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.509 FS.

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

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: Jean Salmonsens at (850)488-4197 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS available on Florida Housing's web site www.floridahousing.org

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-48.001	Purpose and Intent
67-48.002	Definitions
67-48.004	Application and Selection Procedures for Developments
67-48.005	Applicant Administrative Appeal Procedures
67-48.007	Fees
67-48.0072	Credit Underwriting and Loan Procedures
67-48.0075	Miscellaneous Criteria
67-48.009	SAIL General Program Procedures and Restrictions
67-48.0095	Additional SAIL Application Ranking and Selection Procedures
67-48.010	Terms and Conditions of SAIL Loans
67-48.0105	Sale, Refinancing or Transfer of a SAIL Development

67-48.013	SAIL Construction Disbursements and Permanent Loan Servicing
67-48.014	HOME General Program Procedures and Restrictions
67-48.015	Match Contribution Requirement for HOME Allocation
67-48.017	Eligible HOME Activities
67-48.018	Eligible HOME Applicants
67-48.019	Eligible and Ineligible HOME Development Costs
67-48.020	Terms and Conditions of Loans for HOME Rental Developments
67-48.0205	Sale or Transfer of a HOME Development
67-48.022	HOME Disbursements Procedures and Loan Servicing
67-48.023	Housing Credits General Program Procedures and Requirements
67-48.027	Tax-Exempt Bond-Financed Developments
67-48.028	Carryover Allocation Provisions
67-48.029	Extended Use Agreement
67-48.030	Sale or Transfer of a Housing Credit Development
67-48.031	Termination of Extended Use Agreement and Disposition of Housing Credit Developments

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2007 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation's 2006 Qualified Allocation Plan (QAP).

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

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

DATE AND TIME: November 17, 2006, 1:00 p.m.

PLACE: Hyatt Regency – Orlando International Airport, 9300 Airport Boulevard, Orlando, Florida 32827

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: Jean Salmonsens at (850)488-4197 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Vicki Robinson, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE CHAPTER NO.: RULE CHAPTER TITLE:

69J-8 Alternative Procedure for Resolution of Disputed Sinkhole Insurance Claims

RULE NOS.: **RULE TITLES:**
69J-8.001 Purpose
69J-8.002 Definitions
69J-8.004 Qualification and Certification of Neutral Evaluators
69J-8.005 Maintenance of a List of Neutral Evaluators
69J-8.006 Notice of Program
69J-8.007 Request for Evaluation
69J-8.008 Selection of Neutral Evaluator
69J-8.009 Evaluation Process
69J-8.010 Appointment of Department Employee for Consultation
69J-8.011 Policyholder Not Represented by an Attorney
Neutral Evaluator's Report

PURPOSE AND EFFECT: These rules implement Section 627.7074, F.S., by establishing standards for the alternate procedure for resolution of sinkhole claims. The rules specify a process for qualification and selection of neutral evaluators and the procedure for conducting evaluations. Some parts of the rules have intentionally been left blank for development through the workshop process.

SUBJECT AREA TO BE ADDRESSED: Disputed Sinkhole Insurance Claims.

SPECIFIC AUTHORITY: 627.7074(8) FS.

LAW IMPLEMENTED: 627.7074 FS.

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

DATE AND TIME: Monday, November 20, 2006, 9:30 a.m.

PLACE: 139 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: Greg Thomas, (850)413-3130 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Greg Thomas, Chief of Education, Advocacy & Research, Division of Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0320; (850)413-3130

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

ALTERNATIVE PROCEDURE FOR RESOLUTION OF DISPUTED SINKHOLE INSURANCE CLAIMS

69J-8.001 Purpose.

The alternative procedure for resolution of disputed sinkhole insurance claims authorized by Section 627.7074, F.S., shall be governed by these rules of procedure.

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS. History—New _____.

69J-8.002 Definitions.

When used in this chapter, and Section 627.7074, F.S., the following terms are defined as follows:

(1) Affiliated: Having an ownership or employment relationship.

(2) Applicant: A person who submits and application to become a neutral evaluator.

(3) Department: Florida Department of Financial Services.

(4) Family Member: A spouse, child, parent, grandparent, grandchild, aunt, uncle, or first cousin of a party.

(5) Financial Interest: Ownership interest in or liabilities to or from a person that amounts to 5% or more of the applicant's net worth or from which the evaluator received 5% or more of his income during the past 24 months exclusive of fees guaranteed through this program.

(6) Party: The insurer or policyholder participating in the program.

(7) Person: A natural person or business entity.

(8) Program: The alternative procedure for resolution of disputed sinkhole insurance claims authorized by Section 627.7074, F.S.

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS. History—New _____.

69J-8.004 Qualification and Certification of Neutral Evaluators.

(1) Persons seeking certification as a neutral evaluator shall apply to the department using _____, Form _____ (Effective. _____) which is hereby incorporated by reference. The form shall be obtained from _____. The form shall be submitted to _____.

(2) Application for certification shall be granted if the applicant:

(a) Is a professional engineer as defined in Section 471.005, F.S., or a professional geologist as defined in Section 492.102(6), F.S.;

(b) Has completed a course of study in alternative dispute resolution approved under Rule 69J-8.003, F.A.C., above; and

(c) Is determined to be fair and impartial based on the criteria in subsection (3) below:

(3) An applicant shall be found to be fair and impartial unless:

(a) The applicant or a business entity affiliated with the applicant obtained more than _____ % of its gross income or revenue in the prior calendar year from contracts with property insurers or persons acting on behalf of property insurers, exclusive of fees generated through the program;

(b) The applicant or a business entity affiliated with the applicant obtained more than _____ % of its gross income or revenue in the prior calendar year from contracts with property insurance claimants or persons acting on behalf of property insurance policyholders;

(c) The applicant is currently an employee of a property insurer, or property insurance adjuster, or adjusting firm;

(d) The applicant, has through writings, public statements, or otherwise, expressed a bias for or against property insurance insurers or property insurance policyholders; or

(e) The applicant refuses to agree to be removed from a case in which a party is a family member, personal friend, or person in which the applicant has a financial interest.

(4) The department shall decertify any evaluator who ceases to meet the criteria in subsection (3) above.

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS. History—New _____.

69J-8.005 Maintenance of a List of Neutral Evaluators.

(1) The department shall maintain a complete list of certified neutral evaluators who wish to serve in the program.

(2) The list shall be a public record and shall be provided to parties as required by Section 627.7074(7), F.S.

(3) The list shall contain the following information:

- (a) Name
- (b) Address
- (c) Phone Number
- (d) Fee Schedule

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS. History–New _____.

69J-8.006 Notice of Program.

Insurers shall provide the notice of the right to participate in the program, required by Section 627.7074(3), F.S., in writing and such notice shall be accompanied by <title of pamphlet> <form number> <adoption date> which is hereby incorporated by reference.

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS. History–New _____.

69J-8.007 Request for Evaluation.

A person wishing to request neutral evaluation pursuant to Section 627.7074(4), F.S., shall make a request to the department by writing to the Department of Financial Services, Mediation Section, Bureau Education, Advocacy, and Research, Tallahassee FL 32399-4212, or by calling the department at 1(800)342-2762, or by faxing a request to the department at 1(850)488-6372.

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS. History–New _____.

69J-8.008 Selection of Neutral Evaluator.

(1) The insurer shall contact the policyholder and the parties shall attempt to reach an agreement on selection of a neutral evaluator.

(2) If after 10 days the parties have failed to agree upon the neutral evaluator, the parties shall so inform the department by calling the department at 1(850)488-6372.

(3) When informed that the selection of a neutral evaluator could not be agreed upon by the parties, the department shall select a neutral evaluator by rotating sequentially through the list of willing neutral evaluators.

(4) The department will inform the parties of the selection.

(5) Either party may reject the selection by calling the department at 1(850)488-6372 within 5 days of notice being sent.

(6) Each party may reject up to 3 selections for a proceeding.

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS. History–New _____.

69J-8.009 Evaluation Process.

(1) The neutral evaluator shall, within 5 days of referral, contact the parties to schedule the evaluation proceeding pursuant to Section 627.7074(7), F.S.

(2) The evaluation proceeding shall take the form of an informal conference, and shall not be subject to rules of procedure, or evidence applicable in a court or administrative proceeding.

(3) The evaluator shall give each party the opportunity to submit evidence, testimony, or other information which is reasonably expected to assist the neutral evaluator in determining the existence, nature, and scope of a sinkhole loss, and the nature, extent, and cost of repair and remediation.

(4) The neutral evaluator shall make inquiry of the parties and conduct such independent investigation as the neutral evaluator finds reasonably necessary to determine the existence, nature, and scope of a sinkhole loss, and the nature, extent, and cost of repair and remediation.

(5) The neutral evaluator shall inform the parties in writing as to the neutral evaluator's opinion as to the existence of a sinkhole loss and the scope and value of necessary repair and remediation if any.

(6) The parties may settle the claim at any time.

(7) The neutral evaluator shall conclude the proceeding upon settlement of the claim or at any point that the neutral evaluator reasonably determines that settlement is not likely to be facilitated by the continuation of the proceeding.

(8) If the proceeding is concluded without reaching a settlement, the neutral evaluator shall prepare and file the report required under Section 627.7074(12), F.S., on the form adopted in Rule 69J-8.011, F.A.C., below.

(9) If the proceeding results in a settlement, the neutral evaluator shall inform the department that a settlement was reached.

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS. History–New _____.

69J-8.010 Appointment of Department Employee for Consultation Policyholder Not Represented by an Attorney. Pursuant to Section 627.7074(9), F.S., the department shall appoint an employee to consult with a policyholder participating in the program, but not represented by an attorney. The department employee shall not be an advocate on behalf of the policyholder and shall not render legal advice. The role of the department employee will be to provide the policyholder with information about the procedures of the program, and assist the policyholder in understanding technical information relating to the policyholder's claim.

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS. History–New _____.

69J-8.011 Neutral Evaluator's Report.

The neutral evaluators report on matters that are not resolved by the parties, as required by Section 627.7074 (12), F.S., shall be on Form _____ (Effective _____), which is

hereby incorporated by reference. The form shall be obtained from _____ . The form shall be submitted to _____.

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS. History--New _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE NO.:	RULE TITLE:
69L-6.032	Contractor Requirements for Obtaining Evidence That Subcontractors Possess Workers' Compensation Insurance or Otherwise Comply with Chapter 440, Florida Statutes

PURPOSE AND EFFECT: The purpose of the proposed rule is to set forth procedures whereby contractors may fulfill the requirements and obligations associated with obtaining evidence that subcontractors engaged by them possess workers' compensation insurance or that corporate officers of the subcontractors have been issued a Certification of Election to be Exempt by the Department. The effect of the proposed rule is to promote contractor compliance with the obligations associated with obtaining evidence confirming that subcontractors so engaged possess workers' compensation insurance or otherwise are in compliance with Chapter 440, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Requirements and obligations of contractors to obtain evidence of workers' compensation insurance or that the subcontractor and its employees otherwise comply with Chapter 440, Florida Statutes.

SPECIFIC AUTHORITY: 440.05(10), 440.107(5), 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.05(10), 440.10(1), 440.107(3), 440.107(7), 440.38(1) FS.

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

DATE AND TIME: Tuesday, December 5, 2006; 10:00 a.m.

PLACE: 104J Hartman Building, 2012 Capital Circle, S.E., 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: Andrew Sabolic, (850)413-1600 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Andrew Sabolic, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.032 Contractor Requirements for Obtaining Evidence That Subcontractors Possess Workers' Compensation Insurance or Otherwise Comply With Chapter 440, Florida Statutes.

(1) In order for a contractor to satisfy its obligation to obtain evidence of workers' compensation insurance or a Certification of Election to be Exempt from a subcontractor pursuant to Section 440.10(1)(c), F.S., a contractor shall obtain from the subcontractor and provide to the Department, when requested, the evidence specified in subsection (2), (3), or (4) herein. It is the contractor's duty to verify all the evidence of workers' compensation insurance, including all Certificates of Election to be Exempt obtained from the subcontractor, prior to the subcontractor commencing work.

(2) If a subcontractor is insured with a carrier, the evidence of workers' compensation insurance from the subcontractor shall be a copy of page 1 of the subcontractor's "Florida Workers' Compensation Application", as published by Acord, and a "Certificate of Liability Insurance", as published by Acord, that corroborates the information contained in page 1 of the "Florida Workers' Compensation Application". If a workers' compensation insurance policy has been issued to the subcontractor, the contractor may obtain a copy of the "Information Page" of the subcontractor's workers' compensation insurance policy as evidence of workers' compensation insurance. The Certificate of Liability Insurance shall include the following information and documentation in order to be considered valid evidence of workers' compensation insurance for purposes of this rule:

(a) The producer section lists the producer's name, address, and phone number;

(b) The Insurers Affording Coverage section lists the name of the carrier that is providing workers' compensation insurance;

(c) The name of the subcontractor is listed as the insured;

(d) The proper policy number or binder number is provided for the Workers' Compensation and Employers' Liability Insurance;

(e) The dollar limits of coverage are listed for the Workers' Compensation and Employers' Liability Insurance;

(f) An authorized representative has signed the Certificate of Liability Insurance;

(g) The issue date of the Certificate of Liability Insurance precedes the date the subcontractor commenced work for the contractor; and

(h) The date(s) the work is being performed by the subcontractor for the contractor falls within the Policy Effective and Policy Expiration dates listed on the Certificate of Liability Insurance.

(3) If a subcontractor is a client company of an employee leasing company licensed pursuant to Chapter 468, F.S., the evidence of workers' compensation insurance from a subcontractor shall be a "Certificate of Liability Insurance", as published by Acord, and a list of the employees leased to the subcontractor obtained from the professional employer organization or employee leasing company as of the date the subcontractor commenced work for the contractor. The Certificate of Liability Insurance shall include the following information and documentation in order to be considered valid evidence of workers' compensation insurance:

(a) The producer section lists the producer's name, address, and phone number;

(b) The Insurers Affording Coverage section lists the name of the carrier that is providing workers' compensation insurance;

(c) The professional employer organization or employee leasing company name is listed as the insured;

(d) The proper policy number is listed for the Workers' Compensation and Employers' Liability Insurance;

(e) The dollar limits of coverage are listed for Workers' Compensation and Employers' Liability Insurance;

(f) An authorized representative has signed the Certificate of Liability Insurance;

(g) The date the Certificate of Liability Insurance is issued precedes the date the subcontractor commenced work for the contractor;

(h) The date(s) the work is performed by the subcontractor for the contractor falls within the Policy Effective and Policy Expiration dates listed on the Certificate of Liability Insurance; and

(i) The Description of Operations identifies the name of the subcontractor and states that only the leased employees of the subcontractor are afforded workers' compensation coverage.

(4) If a corporate officer of the subcontractor has elected to be exempt from the workers' compensation coverage requirements of Chapter 440, F.S., the contractor shall obtain a copy of the corporate officer's Certificate of Election to be Exempt issued by the Department from the subcontractor. The Certificate of Election to be Exempt shall include the following information and documentation in order to be considered evidence of a valid Certificate of Election to be Exempt:

(a) The State Seal of Florida;

(b) "State of Florida, Department of Financial Services, Division of Workers' Compensation, Certificate of Exemption from Florida Workers' Compensation Law" is listed;

(c) The person named on the certificate of election to be exempt is designated as a corporate officer of the subcontractor;

(d) The date the work is performed by the corporate officer named on the Certificate of Election to be Exempt falls within the Effective and Expiration dates listed on the Certificate of Election to be Exempt; and

(e) The corporate officer named on the Certificate of Election to be Exempt must perform on behalf of the contractor the type of work that is listed on the Certificate of Election to be Exempt.

(5) If a subcontractor employs a corporate officer that has been issued Certificate of Election to be Exempt and also employs non-exempt employees and the subcontractor is required to secure the payment of compensation for such employees, the contractor must obtain evidence of workers' compensation insurance from the subcontractor pursuant to subsection (2) or (3) of this rule for such employees and obtain evidence of all valid Certificates of Election to be Exempt from the subcontractor pursuant to subsection (4) of this rule.

(6) If a contractor fails to obtain evidence of workers' compensation insurance or evidence of a valid Certificate of Election to be Exempt from a subcontractor as required herein, the contractor shall be liable for, and shall secure the payment of compensation for all the employees of the subcontractor pursuant to Section 440.10(1)(b), F.S.

(a) If the contractor fails to secure the payment of compensation, the contractor will be issued a stop-work order and a penalty will be assessed against the contractor pursuant to Section 440.107(7)(d)1., F.S. For penalty calculation purposes, the payroll for the contractor shall also include the payroll of all uninsured subcontractors and their employees.

(b) If the subcontractor is required to secure the payment of compensation and fails to secure the payment of compensation for its employees, the subcontractor will also be issued a stop-work order and a penalty will be assessed against the subcontractor pursuant to Section 440.107(7)(d)1., F.S.

(7) If a contractor obtains all required evidence of workers' compensation insurance or evidence of a valid Certificate of Election to be Exempt from a subcontractor as specified in this rule and the subcontractor fails to secure the payment of compensation pursuant to Section 440.107, F.S., the subcontractor will be issued a stop-work order and a penalty will be assessed against the subcontractor pursuant to Section 440.107(7)(d)1., F.S., and the contractor will not be issued a stop-work order unless it has failed to secure the payment of compensation for its employees other than the employees of the subcontractor.

Specific Authority 440.05(10), 440.107(5), 440.107(9), 440.591 FS.
Law Implemented 440.05(10), 440.10(1), 440.107(3), 440.107(7),
440.38(1) FS. History—New

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: 1B-2.011
RULE TITLE: Library Grant Programs

PURPOSE AND EFFECT: The purpose of this amendment is to modify the questions on the Annual Statistical Report Form for Florida's Public Libraries for the State Aid to Libraries grant program and to modify audit clauses in the grant agreement for the State Aid to Libraries grant program, Community Libraries in Caring program, and the Public Library Construction Grant program.

The major effects of the changes described above are to improve the ability of the grantee to provide the requested information.

SUMMARY: Modifies the questions on the Annual Statistical Report Form for Florida's Public Libraries for the State Aid to Libraries grant program and to modify audit clauses in the grant agreement for the State Aid to Libraries grant program, Community Libraries in Caring program, and the Public Library Construction Grant program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost has 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: 257.14, 257.15, 257.17, 257.171, 257.172, 257.18 FS.

LAW IMPLEMENTED: 257.14, 257.15, 257.17, 257.171, 257.172, 257.18 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: Thursday, November 30, 2006, 9:00 a.m. – 12:00 noon

PLACE: Archives Conference Room, First Floor, State Library and Archives of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL

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: Judith A. Ring, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250. 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: Judith A. Ring, Director, Division of Library and Information Services, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250; (850)245-6600, SUNCOM 205-6600

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-2.011 Library Grant Programs.

(1) This rule provides procedures for library grant programs administered by the Division of Library and Information Services (Division). Each program shall be governed by guidelines which contain information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, if applicable, and application forms. All grant awards shall be subject to final approval by the Secretary of State.

(2) Applicants for grants shall meet the eligibility and application requirements as set forth in the following guidelines for each grant program:

(a) The State Aid to Libraries Grant Guidelines and Application, effective 4-1-98, amended 11-20-01, amended 12-28-03, amended, which contain guidelines and application forms, State Aid to Libraries Grant Application (Form DLIS/SA01), effective 4-1-98, amended 12-28-03; State Aid to Libraries Grant Application – Multicounty Library (Form DLIS/SA02), effective 4-1-98, amended 12-28-03; Certification of Credentials – Single Library Administrative Head (Form DLIS/SA03), effective 4-1-98, amended 12-28-03; State Aid to Libraries Grant Application – Summary Financial Report (Form DLIS/SA04), effective 4-1-98, amended 12-28-03.

(b) The Library Construction Grant Guidelines and Application, effective 4-1-98, amended 2-14-99, amended 1-9-03, amended, which contain instructions, grant application (Form DLIS/PLC01), effective 4-1-98, amended 2-14-99, amended 4-4-00, amended 12-18-00, amended 1-9-03; Payment Request #1 (Form DLIS/PLC02) effective 1-9-03; Payment Request #2 (Form DLIS/PLC03) effective 1-9-03; Payment Request #3 (Form DLIS/PLC04) effective 1-9-03; Payment Request #4 (Form DLIS/PLC05) effective 1-9-03; and Closeout Report (Form DLIS/PLC06) effective 1-9-03.

(c) The Library Cooperative Grant Guidelines and Application, effective 4-1-98 which contain instructions and application (Form DLIS/LCG01), effective 4-1-98, amended