

69O-157.303 Home Health Care Only Rates.

(1) The footnote following Section 627.9407, F.S., states that Section 11, Ch. 2006-254, F.S., provides that “[t]his act shall apply to long-term care insurance policies issued or renewed on or after July 1, 2006. For any long-term care insurance policy issued prior to July 1, 2006, the provisions of [Section 627.94076, F.S.] shall apply to such policy only upon renewal of such policy on or after July 1, 2008, and the policy shall so provide by endorsement to the policy.”

(2) The following maximum new business rates are effective for 2007 rate increase filings and for 2007~~8~~ rate filings until new rates are published. These annual rates are appropriate for:

- (a) Tax qualified policies;
- (b) A benefit of \$100/day;
- (c) An elimination period of 90 days;
- (d) Policies offering Restoration of Benefits, and
- (e) Sales in Hillsborough County. For all other counties, the rate from this table should be adjusted by the insurer’s current area factor applicable in that county relative to the insurer’s area factor in Hillsborough County.

(3)(a) Home Health Care Only Rates:

Issue Age	3-Yr Benefit Period	5-Yr. Benefit Period	Unlimited Benefit Period
35	\$289.72 166.18	\$338.50 203.65	\$387.94 242.26
45	\$369.28 245.38	\$443.74 306.44	\$508.03 366.65
55	\$529.97 369.58	\$636.44 455.50	\$726.61 548.26
65	\$1,010.63 691.78	\$1,214.83 836.06	\$1,376.28 989.23
75	\$2,106.93 1,318.83	\$2,516.29 1,520.52	\$2,763.85 1,702.93

(b) The insurers used to tabulate the above rates are:

Insurer	Weighing Percentage
Bankers Life & Casualty Company	74.6% 97.2%
Colonial American Life Insurance Company	19.6% 2.3
Penn Treaty Network America Insurance Company	0.5%

Specific Authority 627.9408(1) FS. Law Implemented 627.9407(7) FS. History–New 11-1-07, Amended.

69O-157.304 Comprehensive Only Rates.

(1) The footnote following Section 627.9407, F.S., states that Section 11, Ch. 2006-254, L.O.F., provides that “[t]his act shall apply to long-term care insurance policies issued or renewed on or after July 1, 2006. For any long-term care insurance policy issued prior to July 1, 2006, the provisions of [Section 627.94076, F.S.] shall apply to such policy only upon renewal of such policy on or after July 1, 2008, and the policy shall so provide by endorsement to the policy.”

(2) The following maximum new business rates are effective for 2007 rate increase filings and for 2007~~8~~ rate filings until new rates are published. These annual rates are appropriate for:

- (a) Tax qualified policies;
- (b) A benefit of \$100/day;

- (c) An elimination period of 90 days;
- (d) Policies offering Restoration of Benefits, and
- (e) Sales in Hillsborough County. For all other counties, the rate from this table should be adjusted by the insurer’s current area factor applicable in that county relative to the insurer’s area factor in Hillsborough County.

(3)(a) Comprehensive Only Rates:

Issue Age	3-Yr Benefit Period	5-Yr. Benefit Period	Unlimited Benefit Period
35	\$311.40 332.88	\$387.86 414.10	\$492.05 574.47
45	\$385.79 474.36	\$492.12 592.44	\$620.13 822.62
55	\$526.60 666.65	\$652.26 824.77	\$848.46 1,151.34
65	\$1,002.89 1,313.19	\$1,245.66 1,640.75	\$1,620.10 2,259.55
75	\$2,722.30 3,288.22	\$3,367.66 4,210.08	\$4,258.26 5,603.51

(b) The insurers used to tabulate the above rates are:

Insurer	Weighing Percentage
Allianz Life Insurance Company of North America	2.7%
Bankers Life & Casualty Insurance Company	3.4% 52.7%
Blue Cross Blue Shield of Florida	6.7% 5.1%
Genworth Life Insurance Company	19.3% 11.5%
Great American Life Insurance Company	9.8%
John Hancock Life Insurance Company	21.2% 14.2%
Metropolitan Life Insurance Company	17.0%
New York Life Insurance Company	2.5%
Northwestern Long Term Care Insurance Company	3.0%
Provident Life & Accident Insurance Company	2.6%
Unum Life Insurance Company of America	4.6%
Metlife Insurance Company	6.7%

Specific Authority 627.9408(1) FS. Law Implemented 627.9407(7) FS. History–New 11-1-07, Amended.

Section II Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.002
 RULE TITLE: Inmate Grievances – Terminology and Definitions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees.

SUMMARY: Rule 33-103.002, F.A.C., is amended to clarify the reviewing authority for grievances, appeals, and specifically direct grievances.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.002 Inmate Grievances – Terminology and Definitions

The following terms, as defined, shall be standard usage throughout the department:

(1) No change.

(2) Bureau of Inmate Grievance Appeals: The bureau authorized by the Secretary to receive, review, investigate, evaluate, and respond to grievance appeals and direct grievances as defined in subsection (8). The Bureau of Inmate Grievance Appeals is located in the Office of Research, Planning and Support Services and is managed by the Chief of Inmate Grievance Appeals.

(3) through (7) No change.

(8) Grievance Appeal, Direct Grievances, or Central Office Review: This is a statement of complaint filed with the Secretary of the Department of Corrections through the use of the Request for Administrative Remedy or Appeal, Form DC1-303. Appeals and direct grievances are addressed in Rule 33-103.007, F.A.C.

(9) through (14) No change.

(15) Reviewing Authority: Staff who are authorized to sign grievances or appeals as the final authority for review, e.g., warden, assistant warden, deputy warden, or the Secretary’s representative.

(a) Informal Grievance:

1. Staff member who is responsible for the issue grieved.

(b) Formal Grievance Level:

1. Major Institutions – warden or assistant warden;

2.(b) Private Correctional Facilities – warden, deputy warden, or, when determined by staff in the Bureau of Inmate Grievance Appeals that further review is required, the warden, deputy warden, or the Executive Director of the Privatization Commission;

3.(e) Road Prisons, Vocational Centers, Work Camps, Community Correctional Centers, and Contract Community Facilities – warden or assistant warden of the supervising institution.

(c)(d) No change.

(d)(e) Direct Grievances:

1. A direct grievance which is to be reviewed by the warden: The warden is authorized to designate the assistant warden or deputy warden (deputy warden applicable to private facilities only) to grant and implement relief as approved by the warden, except as to grievances involving discipline, grievances alleging violation of the Americans With Disabilities Act, grievances challenging placement in close management and subsequent reviews, grievances of an emergency nature, grievances of reprisal or grievances of a sensitive nature.

2. A direct grievance which is to be reviewed by the Bureau of Inmate Grievance Appeals: the Bureau Chief, or those staff designated by the Secretary to serve as his representative.

(16) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History– New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.002, Amended 10-11-00, 1-2-03, 9-16-03, 2-9-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Celeste Kemp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.004
 RULE TITLE: Inmate Grievances – Staff and Inmate Participation

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees.

SUMMARY: Rule 33-103.004, F.A.C., is amended to reflect the changes made to Rule 33-103.002, F.A.C.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.004 Inmate Grievances – Staff and Inmate Participation

(1) Inmate and employee participation in the grievance process will take the form of solicitation of written comments by inmates and employees on selected formal inmate grievances that staff determine will significantly impact the inmate population and which challenge general procedures and practices prior to the initial adjudication of the grievance. Each institution shall within 5 calendar days of receipt, post copies of this type of formal grievance on inmate and employee bulletin boards, circulate among all inmates in all disciplinary, administrative, and close management areas, including all inmates under sentence of death. These grievances shall be posted and circulated without identification of individual names or identifying facts. Written comments must be received in the office of the reviewing authority as defined in paragraphs 33-103.002(15)(~~b~~)(~~a~~) through (~~d~~), F.A.C., within 5 calendar days from the date of posting in order to receive consideration. With the exception of submitting written comments, no inmate or employee who appears to be involved in the matter shall participate in any capacity in the final resolution of a grievance.

(2) Inmates and employees have the opportunity to review the effectiveness and credibility of the department’s grievance procedure through the submission of written comments to the reviewing authority as defined in paragraphs 33-103.002(15)(a) through (~~c~~)(~~d~~), F.A.C. The reviewing authority shall review and respond to written comments received and institute procedural changes as appropriate. Comments received relating to this rule that are outside the decision making authority of the reviewing authority as defined in paragraphs 33-103.002(15)(a) through (~~c~~)(~~d~~), F.A.C. shall be forwarded to the Office of the General Counsel for review and appropriate action. If the comments or complaint focuses on the implementation of the rule at a particular institution, the reviewing authority as defined in paragraphs 33-103.002(15)(~~b~~)(~~a~~) through (~~c~~)(~~d~~), F.A.C., has the authority to make necessary changes in this implementation consistent

with the rule. If the comments or complaint deal with the content of the rule itself and the only way a change could be effected would be to change the rule, then it needs to be forwarded to the Office of the General Counsel. The Office of the General Counsel shall review the complaint to see if there appears to be a problem with the rule itself. If changes are necessary, the Office of the General Counsel coordinates the rule promulgation process. The warden shall receive a response and in turn advise the employee or inmate.

(3) through (4) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 1-15-92, 4-10-95, 12-7-97, Formerly 33-29.004, Amended 10-11-00, 2-9-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Celeste Kemp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.005
 RULE TITLE: Informal Grievance

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees.

SUMMARY: Rule 33-103.005, F.A.C., is amended to clarify when an inmate may bypass the informal grievance process and when an informal grievance should not be utilized and to reflect the changes made to Rule 33-103.002, F.A.C. The requirement in Rule 33-103.005, F.A.C., that inmates deliver informal grievances to the responsible staff member, is amended to require that informal grievances be collected by a designated staff member, logged, and forwarded to the responsible staff member for response. The requirement in Rule 33-103.005, F.A.C., that attachments be submitted in triplicate, has also been removed.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.005 Informal Grievance.

(1) Inmates shall utilize the informal grievance process prior to initiating a formal grievance, ~~except~~ In the case of an emergency grievance, a grievance of reprisal, a grievance of a sensitive nature, a grievance alleging violation of the Americans with Disabilities Act, a medical grievance, a grievance involving admissible reading material, a grievance involving gain time governed by Rule 33-601.101, F.A.C., Incentive Gain Time, a grievance challenging placement in close management and subsequent reviews, grievances regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C., or a grievance involving disciplinary action (does not include corrective consultations) governed by Rules 33-601.301-314, F.A.C., an inmate may utilize the formal grievance process governed by Rule 33-103.006, F.A.C., directly, bypassing the informal grievance process. An inmate shall utilize the direct grievance process governed by subsection 33-103.007(6), F.A.C., for grievances alleging a violation of the Health Insurance Portability and Accountability Act (HIPAA) rather than initiating an informal or formal grievance.

~~(a) When an inmate decides to initiate a grievance, An~~ informal grievance shall be submitted to the designated staff by personally placing the informal grievance in a locked grievance box. Locked boxes shall be available to inmates in open population and special housing units. A staff person from classification, the grievance coordinator's office, or the assistant warden's office shall be responsible for the key. If the staff member collecting the grievances is from classification or the assistant warden's office, he or she shall retrieve the grievances and appeals and deliver them to the institutional grievance coordinator. The warden shall designate one (1) staff member who shall log all informal grievances and distribute to the appropriate department or staff.

~~(b) After being logged, informal grievances shall be forwarded to the~~ staff member who is responsible in the particular area of the problem, the classification team, the appropriate section head, or other institutional staff. When an informal grievance is received by the reviewing authority as defined in paragraphs 33-103.002(15)(a) through (d), F.A.C., the reviewing authority shall respond to the grievance, refer the grievance to a staff member for response, or shall advise the inmate to re-file with a specific staff member.

~~(c) The inmate shall not file duplicate informal grievances with different staff members.~~

(2) When submitting an informal grievance, the inmate shall use Form DC6-236, Inmate Request, and shall:

(a) No change.

(b) On top of the page, or on the same line as the word "Request", or on the first line of the request section the inmate shall print the words "Informal Grievance". Failure to do this will cause the request to be handled routinely and it will not be considered an informal grievance. This will also cause the form to be unacceptable as documentation of having met the informal step if it is attached to a formal grievance submitted at the next step.

1. No change.

2. When completing the inmate request form for submission as an informal grievance, the inmate shall ensure that the form is legible, that included facts are accurately stated, and that only one issue or complaint is addressed. If additional space is needed, the inmate shall use attachments and not multiple copies of Form DC6-236. ~~Attachments that are a continuation of the grievance statement, shall be submitted in triplicate.~~ The inmate shall sign and date the form and write in his Department of Corrections number and forward the informal grievance to the designated staff person. If an inmate fails to sign his grievance, it shall result in a delay in addressing the grievance until it can be verified that it is that inmate's grievance.

~~3. The inmate shall submit all copies of the completed form to the staff member who is responsible for the particular area of the problem.~~

(3) Upon receipt of the informal grievance, the recipient shall note the date of receipt on the form.

(4) through (5) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 1-15-92, 12-22-92, 3-30-94, 4-17-94, 4-10-95, 8-10-97, 12-7-97, 2-17-99, Formerly 33-29.005, Amended 8-1-00, 2-9-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Celeste Kemp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.006
 RULE TITLE: Formal Grievance – Institution or Facility Level

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees.

SUMMARY: Rule 33-103.006, F.A.C., is amended to reflect the changes made to Rule 33-103.002, F.A.C., and the requirement that formal grievances be submitted in triplicate has been removed.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.006 Formal Grievance – Institution or Facility Level.

(1) When an inmate decides to file a formal grievance, he shall do so by completing Form DC1-303, Request for Administrative Remedy or Appeal and filing within the time limits set forth in Rule 33-103.011. F.A.C.

(a) In institutions and private correctional facilities, inmates shall direct this form to the warden or warden or assistant warden or deputy warden as defined in paragraphs 33-103.002(15)(a), (b) and (c), F.A.C.

(b) No change.

(2) Procedural Requirements.

(a) through (c) No change.

~~(d) Attachments that are a continuation of Part A, the grievance statement, shall be submitted in triplicate. If the inmate fails to submit the continuation of his grievance statement of complaint in triplicate, it may result in no copy of the continuation pages being returned to the inmate with the response.~~

(e) through (g) renumbered (d) through (f) No change.

~~(g)(h)~~ The inmate shall attach a copy of the informal grievance and the response to the informal grievance to his DC1-303 form, unless the grievance is a direct formal grievance of the following: is an emergency grievance; a grievance of reprisal; a grievance of a sensitive nature; a medical grievance; a grievance alleging violation of the Americans with Disabilities Act; a grievance involving gain time governed by Rule 33-601.101, F.A.C., Incentive Gain Time; a grievance challenging placement in close management and subsequent reviews; a grievance regarding the return of incoming mail governed by subsection

33-210.101(14), F.A.C.; or a grievance of disciplinary action (excluding corrective consultations). Any other pertinent documentation shall be attached also. Informal grievances as described in subparagraph 33-103.005(2)(b)1., F.A.C., shall not be accepted as documentation of having met the requirements of the informal grievance step.

~~(h)(i)~~ The inmate shall ~~then~~ submit the grievance or appeal to designated staff by personally placing the grievance or appeal in a locked grievance box. Locked boxes shall be available to inmates in open population and special housing units. A staff person from classification, the grievance coordinator's office, or the assistant warden's office shall be responsible for the key. If the staff member collecting the grievances is from classification or the assistant warden's office, he or she shall retrieve the grievances and appeals and deliver them to the institutional grievance coordinator. The institutional grievance coordinator shall log all formal grievances and provide the inmates with receipts. The appeals will be forwarded to the Bureau of Inmate Grievance Appeals after being processed for mailing in accordance with paragraphs 33-103.006(8)(b) and (c), F.A.C. The Bureau of Inmate Grievance Appeals shall log all appeals and forward receipts to the inmates. Grievances and appeals shall be picked up and forwarded by the institutions daily Monday through Friday.

~~(i)(j)~~ No change.

(3) The following types of grievances may be filed directly with the reviewing authority as defined in paragraphs 33-103.002(15)(b)(a) through (d), F.A.C., by-passing the informal grievance step, and may be sent in a sealed envelope through routine institutional mail channels:

(a) Emergency Grievance – Upon receipt, the reviewing authority as defined in paragraphs 33-103.002(15)(b)(a) through (d), F.A.C., shall take the following action as soon as possible, but no later than two calendar days following receipt:

1. through 4. No change.

(b) through (i) No change.

(4) No change.

(5) Upon receipt of the formal grievance, the recipient [reviewing authority as defined in paragraphs 33-103.002(15)(b)(a) through (d), F.A.C.] shall cause the following to occur:

(a) through (d) No change.

(6) Following investigation and evaluation by the reviewing authority as defined in paragraphs 33-103.002(15)(b)(a) through (d), F.A.C., a response shall be provided to the inmate within 20 calendar days of receipt of the grievance as required by paragraph 33-103.011(3)(b), F.A.C. The degree of investigation is determined by the complexity of the issue and the content of the grievance. The response shall state whether the grievance is approved, denied, or being returned and shall also state the reasons for the approval, denial or return.

(a) through (b) No change.

(c) The reviewing authority as defined in paragraphs 33-103.002(15)(~~b(a) through (d)~~), F.A.C., shall retain a complete copy of the grievance on file.

(d) No change.

(7) No change.

(8) Mailing Procedures. The warden or person designated in paragraphs 33-103.002(15)(~~b(a) through (d)~~), F.A.C., shall establish a procedure in the institution or facility under his supervision for processing those grievances which require mailing. Inmates who are filing grievances that require mailing shall be required to utilize the procedure set forth in this rule when processing their grievances or appeals to the reviewing authority of community facilities or the Bureau of Inmate Grievance Appeals in the central office. The institution or facility shall provide postage for grievances submitted through this process. Procedures implemented shall include, at a minimum, the following:

(a) through (e) No change.

(f) Upon receipt of a ~~the~~ mailed grievance by the reviewing authority as defined in paragraphs 33-103.002(15)(d), F.A.C., or the Bureau of Inmate Grievance Appeals, the following shall occur:

1. The decision of whether or not the grievance has been timely filed by the inmate shall be made based upon the following comparisons:

A. No change.

~~B. In the case of an appeal being filed with central office, by comparing the receipt date on the DC1-303 form to the response date of the formal grievance.~~

B.C. In the case of a grievance being filed directly at the institutional ~~or central office~~ level, by comparing the receipt date on the DC1-303 form to the date of the incident or situation giving rise to the complaint.

2. through 3. No change.

(9) through (10) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.006, Amended 8-1-00, 10-11-00, 2-9-05, 10-28-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Celeste Kemp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.007
RULE TITLE: Appeals and Direct Grievances to the Office of the Secretary

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees.

SUMMARY: Rule 33-103.007, F.A.C., is amended regarding the requirements of HIPAA related grievances, direct grievances to the Secretary, reflect the changes made to Rule 33-103.002, F.A.C., and for clarity. The requirement that attachments be submitted in triplicate has been removed.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS, 45 C.F.R. Part 160, 164.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.007 Appeals and Direct Grievances to the Office of the Secretary.

(1) No change.

(2) Procedural Requirements.

(a) through (b) No change.

~~(c) Attachments that are a continuation of Part A, grievance statement, shall be submitted in triplicate. If the inmate fails to submit the continuation of his grievance statement of complaint in triplicate, it may result in no copy of the continuation pages being returned to the inmate with the response;~~

(d) through (g) renumbered (c) through (f) No change.

~~(3) If the grievance appeal is not a direct grievance to the Office of the Secretary, the inmate shall:~~

~~(a) Attach a copy of his formal grievance and response;~~

~~(b) Attach a copy of his informal grievance and response, except when appealing grievances on disciplinary action (excluding corrective consultations), medical issues, admissible reading material, placement in close management and subsequent reviews, violation of the Americans with Disabilities Act, grievances regarding the return of incoming~~

mail governed by subsection 33-210.101(14), F.A.C., or grievances involving gain time governed by Rule 33-601.101, F.A.C., Incentive Gain Time;

~~(e) Attach any other documentation that the inmate has that is pertinent to the review and that the inmate wants reviewed. Attachments as required by the rule that do not meet the requirements of this rule may result in the grievance being returned to the inmate;~~

~~(d) Submit the complete form with attachments to the Office of the Secretary in accordance with subsection 33-103.006(8), F.A.C. Failure to submit a complete grievance shall result in the grievance being returned to the inmate without action.~~

~~(e) If the inmate is filing an amendment to a previously filed grievance or appeal, the inmate shall clearly state this at the beginning of PART A of the Request for Administrative Remedy or Appeal, Form DC1-303.~~

~~(3)(4) The Office of the Secretary has designated the Bureau of Inmate Grievance Appeals to receive, review, investigate, evaluate and respond to appeals and direct grievances filed with the Office of the Secretary. Appeals and direct grievances to the Office of the Secretary shall be turned over that same date to the Bureau of Inmate Grievance Appeals which shall ensure that the grievance is date-stamped in on the date of receipt. Upon receipt the appeal or direct grievance by the Bureau of Inmate Grievance Appeals, the following shall occur:~~

~~(a) The decision of whether or not the grievance has been timely filed by the inmate shall be made based upon the following comparisons:~~

~~1. In the case of an appeal being filed with the central office, by comparing the receipt date on the DC1-303 form to the response date of the formal grievance.~~

~~2. In the case of a grievance being filed directly at the central office level, by comparing the receipt date on the DC1-303 form to the date of the incident or situation giving rise to the complaint.~~

~~(4)(5) Upon receipt of the grievance appeal or direct grievance, the Chief of Inmate Grievance Appeals shall cause the following to occur:~~

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

~~(d) A grievance appeal or direct grievance may be returned to the inmate for any one or more of the reasons stated in Rule 33-103.014, F.A.C., without further processing.~~

~~(e) No change.~~

~~(f) The response shall state whether the appeal or direct grievance is approved, denied, or being returned and shall also state the reasons for the approval, denial or return. The criteria considered in approving, denying or returning an appeal or direct grievance will vary with the facts of the grievance.~~

~~(5) Grievance appeals – If the grievance appeal is not a direct grievance to the Office of the Secretary, the inmate shall:~~

~~(a) through (e) No change.~~

(6) Direct Grievances.

(a) Emergency grievances, grievances of reprisals, or grievances of a sensitive nature may be filed directly with the Office of the Secretary using the Request for Administrative Remedy or Appeal, Form DC1-303. Grievances alleging a violation of the Health Insurance Portability and Accountability Act (HIPAA) must be filed directly with the Office of the Secretary using the Request for Administrative Remedy or Appeal, Form DC1-303. The following shall apply:

1. The inmate shall state at the beginning of Part A of Form DC1-303 that the grievance concerns either an emergency, or is a grievance of a reprisal, or a grievance of a sensitive nature. When alleging HIPAA violations, the inmate shall state that the grievance concerns HIPAA at the beginning of Part A of Form DC1-303.

2. The inmate must clearly state the reason for not initially bringing the complaint to the attention of institutional staff and by-passing the informal and formal grievance steps of the institution or facility, except in the case of a HIPAA violation grievance which must be filed directly with the Office of the Secretary.

3. The inmate may forward grievances of these ~~four~~ three types to the Office of the Secretary in a sealed envelope by following the procedure set out in paragraph 33-103.006(8)(d), F.A.C. When a direct grievance alleging violation of HIPAA is received at the Office of the Secretary, the Bureau of Inmate Grievance Appeals shall forward the grievance to the Office of the Assistant Secretary for Health Services for investigation and response. The disclosure of medical information in a grievance authorizes staff to review the information and to use and disclose the medical information necessary to investigate in order to respond. Following preparation of a response and signature of the responding employee, the grievance shall be returned to the Bureau of Inmate Grievance Appeals to ensure appropriate filing and routing.

(b) Emergency Grievances. An emergency grievance may be filed directly with the ~~S~~Secretary. Upon receipt, staff of the Bureau of Inmate Grievance Appeals shall take the following actions as soon as possible, but no later than two calendar days following receipt:

1. through 4. No change.

(c) Grievances ~~appeals~~ filed directly with the Office of the Secretary that are grievances of reprisal, ~~or~~ grievances of a sensitive nature, or a grievance alleging a violation of HIPAA shall be responded to according to established time frames.

~~(d) Grievances alleging violation of the Health Insurance Portability and Accountability Act (HIPAA) must be filed directly with the Office of the Secretary using the Request for Administrative Remedy or Appeal, Form DC1-303, and shall be responded to according to established time frames. The inmate shall state at the beginning of Part A of Form DC1-303 that the grievance concerns HIPAA.~~

~~(d)(e) No change.~~

(7) through (8) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 10-7-98, 2-17-99, Formerly 33-29.007, Amended 8-1-00, 6-29-03, 2-9-05, 8-21-06.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Celeste Kemp
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.008
RULE TITLE: Grievances of Medical Nature
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees.

SUMMARY: Rule 33-103.008, F.A.C., is amended to reflect the changes made to Rules 33-103.002 and 33-103.007, F.A.C.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.008 Grievances of Medical Nature.

(1)(a) No change.

(b) If a formal grievance of a medical nature is received by the reviewing authority of community facilities as defined in paragraph 33-103.002(15)(b)(c), F.A.C., it shall be forwarded to the Office of the Director for Regional Health Services for investigation and response. However, if the medical grievance originates out of one of the drug treatment centers which have a chief health officer, it shall be forwarded to that chief health officer for investigation and response. Following preparation

of a response and signature of the responding employee, the grievance shall be returned to the reviewing authority of community facilities to ensure appropriate filing and routing.

(c) No change.

(2) If a grievance appeal of a medical nature ~~or a direct grievance alleging violation of HIPAA~~ is received by ~~at~~ the Office of the Secretary, the Bureau of Inmate Grievance Appeals shall forward the grievance to the Office of the Assistant Secretary for Health Services for investigation and response. The disclosure of medical information in a grievance authorizes staff to review the information and to use and disclose the medical information necessary to investigate in order to respond. Following preparation of a response and signature of the responding employee, the grievance shall be returned to the Bureau of Inmate Grievance Appeals to ensure appropriate filing and routing. Other procedures applicable to the processing of a grievance appeal of a medical nature are as stated in Rule 33-103.007, F.A.C.

Specific Authority 944.09 FS. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.008, Amended 6-29-03, 2-9-05.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Celeste Kemp
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.011
RULE TITLE: Time Frames for Inmate Grievances
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees.

SUMMARY: Rule 33-103.011, F.A.C., is amended to reflect the changes made to Rule 33-103.002, F.A.C.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.011 Time Frames for Inmate Grievances — ~~Time frames.~~

When determining the time frames for grievances in all cases, the specified time frame shall commence on the day following the date of the incident or response to the grievance at the previous level. For example, if an incident occurred on December 1, fifteen days from that date would be December 16.

(1) No change.

(2) An extension of the above-stated time periods shall be granted when it is clearly demonstrated by the inmate to the satisfaction of the reviewing authority as defined in paragraphs 33-103.002(15)(b) and (c) ~~(a) through (d)~~, F.A.C., or the Secretary that it was not feasible to file the grievance within the relevant time periods and that the inmate made a good faith effort to file in a timely manner. The granting of such an extension shall apply to the filing of an original grievance or when re-filing a grievance after correcting one or more deficiencies cited in Rule 33-103.014, F.A.C.

(3) Responding to Grievances.

(a) No change.

(b) Formal Grievances – The reviewing authority as defined in paragraphs 33-103.002(15)(b) ~~(a) through (d)~~, F.A.C., shall have up to 20 calendar days from the date of receipt of the grievance to take action and respond. See Rule 33-103.006, F.A.C.

(c) through (d) No change.

(4) through (5) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History– New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.011, Amended 2-9-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Celeste Kemp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.012 RULE TITLE: Grievance Records

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees.

SUMMARY: Rule 33-103.012 is amended to reflect the changes made to Rules 33-103.002 and 33-103.005, F.A.C.; including the requirement of logging informal grievances.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.012 Grievance Records.

(1) A log shall be made of each formal grievance, direct grievance, or appeal and shall contain, at a minimum, the following information:

(a) through (g) No change.

(2) No change.

(3) A log shall be made of each informal grievance and shall contain, at a minimum, the following information:

(a) Inmate name;

(b) Prison number;

(c) Date that the grievance or appeal was received;

(d) Staff member responsible in the particular area of the problem, the classification team, the appropriate section head, or other institutional staff who is to respond to the informal grievance.

~~(4)~~ The Department shall maintain the confidentiality of inmate grievance records to the extent permitted under Florida law.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History– New 10-12-89, Amended 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.012, Amended 2-9-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Celeste Kemp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.016
 RULE TITLE: Follow Through on Approved Grievances

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees.

SUMMARY: Rule 33-103.016, F.A.C., is amended to include direct grievances.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.016 Follow Through on Approved Grievances.

(1) No change.

(2) Appeals and direct grievances to the Office of the Secretary. All grievances which are approved by the Office of the Secretary/Bureau of Inmate Grievance Appeals shall be handled as follows:

(a) through (f) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 4-10-95, Amended 12-7-97, Formerly 33-29.0155, Amended 8-1-00, 1-1-01, 8-21-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Celeste Kemp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.7115
 RULE TITLE: Consulate Visitors

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide institutions and consulate visitors with the conditions under which foreign national inmates and consulates may visit.

SUMMARY: The proposed rule allows foreign national inmates the ability to meet with the consulate representing their country privately, and to have an attorney accompany the consulate officer. The proposed rule requires that the consulate provide the identification sufficient to authenticate that he or she is a consulate of the inmate's country before a private meeting is allowed and to allow the consulate and inmate to exchange documents only after a cursory inspection by the officer in charge. The proposed rule also requires that institutions provide an adequate area for consulate officers to visit their inmate citizens in order to ensure the privacy of such visits and includes recommended visiting schedules.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.7115 Consulate Visitors.

(1) A consulate officer may visit a foreign national inmate from the country that the consulate represents if the inmate wishes to confer with the consulate officer and the consulate officer presents sufficient identification and evidence of his status as a consulate officer. The inmate must be verified by Immigration and Customs Enforcement as a foreign national of the country represented by the consulate.

(2) Consulate visits should be scheduled between 8:00 a.m. and 5:00 p.m., Monday through Friday excluding holidays. A consulate visit may be scheduled at other times if,

in the opinion of the warden or his designee, such scheduling is necessary to avoid disadvantage to the inmate or undue hardship to the consulate officer.

(3) The warden shall provide an adequate area for consulate officers to visit their inmate citizens in order to ensure the privacy of such visits.

(4) Consulate documents will not be exchanged between the consulate officer and the inmate unless the consulate officer notifies the officer in charge that the exchange of consulate documents is necessary and allows a cursory inspection of the consulate documents. The officer in charge is authorized to disapprove any consulate document exchange if such exchange would present a threat to the security and order of the institution or to the safety of any person. If the consulate officer disagrees with the decision of the officer in charge, the duty warden shall be contacted to make the final decision.

(5) An attorney may accompany the consulate officer during a consulate visit pursuant to Rules 33-601.711 Legal Visitors and 33-601.712 Use of Cameras and Tape Records by Attorneys, F.A.C.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
George Sapp, Assistant Secretary of Institutions
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 16, 2007

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: The amendments establish minimum flows pursuant to Section 373.042, F.S., for the upper segment of the Braden River from Linger Lodge to Lorraine Road. This water body is listed on the District's minimum flow and levels priority list for establishment of minimum flows. The minimum flows will be used in the District's permitting and resource management and development programs.

SUMMARY: The District has identified seasonal low, medium and high flow periods for the Braden River. Short-term minimum flow compliance standards were developed for each of these periods using a "building block" approach. The Minimum Low Flow for the low flow period (Block 1, May 7 through June 19) is the natural flow minus 15% at the Braden River USGS gage near Lorraine.

For the Minimum High Flow for the high flow period (Block 3, June 20 through October 24), is a stepped flow reduction of 19% and 10% of the historic flows, with the step occurring at the 15% exceedance flow (54 cfs) at the Braden River USGS gage near Lorraine.

For the medium flow period (October 25 to May 6) it was determined that changes in habitat availability for fish and macroinvertebrates determined the Minimum Medium Flow. The Minimum Medium Flow is established as the flow less 11% at the Braden River USGS gage near Lorraine.

Five and ten year means and medians are proposed as long-term compliance standards.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.041 Minimum Flows.

(1) through (7) No change.

(8) Minimum Flows for the Braden River.

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

(b) Minimum Flows for the Braden River at the USGS Braden River near Lorraine Gage USGS # 02300032 ("near Lorraine Gage") are set forth in Table 8-14 below. The long-term compliance standards set forth in Table 8-15 are established based on the application of the Minimum Flows to the lowest anticipated natural flow conditions. Minimum Flows for the Braden River are both seasonal and flow dependent. Two standards are flow based and applied continuously regardless of season. The first is a Minimum Low Flow threshold of 7 cfs at the near Lorraine Gage. The second is a Minimum High Flow threshold of 54 cfs at the near Lorraine Gage. The Minimum High Flow is based on changes in the number of days of inundation of floodplain features. There are also three seasonally dependent or Block specific Minimum Flows. The Block 1 and Block 2 Minimum Flows

are based on potential changes in habitat availability for fish species and macroinvertebrate diversity. The Block 3 Minimum Flow is based on changes in the number of days of connection with floodplain features.

Period	Effective Dates	Where Flow on Previous Day Equals:	Minimum Flow Is
Annually	January 1 to December 31	≤7 cfs >7cfs and <54 cfs 54 cfs	7 cfs Seasonally dependent – see Blocks below Previous day flow minus 10%
Block 1	May 7 to June 19	≤7 >7 cfs	7 cfs previous day flow minus 10%
Block 2	October 25 to May 6	≤7 >7 cfs and <54 cfs 54 cfs	7 cfs previous day flow minus 11% previous day flow minus 10%
Block 3	June 20 to October 24	≤7 cfs >7 cfs and <54 cfs 54 cfs	7 cfs previous day flow minus 19% previous day flow minus 10%

(c) Compliance – The Minimum Flows are met when the flows in Table 8-15 are achieved.

Minimum Flow	Hydrologic Statistic	Flow (cfs)
Annual Flow	10-Year Mean	31
	10-Year Median	3
	5-Year Mean	26
	5-Year Median	2
Block 1	10-Year Mean	2
	10-Year Median	1
	5-Year Mean	2
	5-Year Median	0
Block 2	10-Year Mean	20
	10-Year Median	3
	5-Year Mean	10
	5-Year Median	1
Block 3	10-Year Mean	65
	10-Year Median	23
	5-Year Mean	43
	5-Year Median	7

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0395, 373.042, 373.0421 FS. History–Readopted 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84, 8-7-00, 2-6-06, 4-6-06, 1-1-07, 11-25-07.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen A. Lloyd, Assistant Deputy Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 21, 2007

WATER MANAGEMENT DISTRICTS
Southwest Florida Water Management District

RULE NO.: 40D-8.624
RULE TITLE: Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: To amend Chapter 40D-8, Florida Administrative Code, to establish minimum levels for the next set of priority lakes pursuant to Section 373.042, Florida Statutes and to establish guidance levels for those lakes.

SUMMARY: The proposed amendments establish the High Guidance Level, High Minimum Level, Minimum Lake Level and Low Guidance Level for Lakes Angelo, Denton, Placid, Tulane and Verona in Highlands County; Lakes King, King-East and Linda in Pasco County; and Crooked Lake in Polk County, Florida. The proposed amendments also repeal the previously adopted Ten Year Flood Guidance Level, High Level, Low Level and Extreme Low Level for the lakes.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.
LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.086 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Doug Leeper, Chief Environmental Scientist, Resource Conservation and Development Department, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.624 Guidance and Minimum Levels for Lakes.

(1) through (12) No change.

(13) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(8), F.A.C., to establish the level. Compliance with the High Minimum and Minimum Lake Levels is determined pursuant to paragraphs (6)(b) and (7)(b) above. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(14), F.A.C., below.

Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.						
Location by County and Basin	Name of Lake and Section, Township and Range Information	Ten Year Flood Guidance Level	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a) through (h) No change.						
(i) In Highlands County Within the Peace River Basin	<u>Angelo, Lake</u> S-25, T-33S, R-28E		102.1'	101.3' (CAT 3)	100.0' (CAT 3)	99.6'
	<u>Denton, Lake</u> S-02, T-34S, R-28E		114.9'	114.1' (CAT 3)	112.8' (CAT 3)	112.4'
	Jackson Lake S-30, T-34S, R-29E	104.1'	102.6'	102.4' (CAT 3)	101.3' (CAT 3)	100.2'
	June-In-Winter, Lake S-34, T-36S, R-29E	75.5'	74.7'	74.5' (CAT 3)	74.0' (CAT 3)	73.2'
	Letta Lake S-31, T-33S, R-29E	100.5'	99.5'	99.5' (CAT 3)	98.4' (CAT 3)	97.1'
	Little Jackson Lake S-06, T-35S, R-29E	104.1'	102.6'	102.4' (CAT 3)	101.3' (CAT 3)	100.2'
	Lotela Lake S-26, T-33S, R-28E	108.5'	107.5'	106.8' (CAT 3)	105.7' (CAT 3)	105.0'
	<u>Placid, Lake</u> S-24, T-37S, R-29E		93.4'	92.6' (CAT 3)	91.4' (CAT 3)	90.9'
	<u>Tulane, Lake</u> S-27, T-33S, R-28E		118.7'	117.9' (CAT 3)	116.6' (CAT 3)	116.2'
	<u>Verona, Lake</u> S-23, T-33S, R-28E		118.2'	117.4' (CAT 3)	115.8' (CAT 3)	115.1'
(j) through (r) No change.						
(s) In Pasco County Within the Hillsborough County Basin	Bell Lake S-13, T-26, R-18	73.3'	71.6'	70.8' (CAT 1)	69.4' (CAT 1)	69.2'
	Bird Lake S-36, T-26, R-18	68.2'	66.8'	66.6' (CAT 1)	65.2' (CAT 1)	64.3'
	Buddy Lake S-17, T-25S, R-21E	96.9'	93.7'	93.7' (CAT 3)	87.3' (CAT 3)	83.9'
	Hancock Lake S-5, T-24S, R-20E	106.9'	102.5'	102.5' (CAT 3)	100.2' (CAT 3)	97.7'
	<u>King Lake</u> S-7, T-26S, R-19E		73.1'	72.4' (CAT 1)	70.8' (CAT 1)	69.7'
	<u>King Lake (East)</u> S-22, T-25S, R-20E		105.7'	105.1' (CAT 3)	102.7' (CAT 3)	101.4'

	Middle Lake S-4, T-24S, R-20E	106.9'	103.1'	102.5' (CAT 3)	100.2' CAT 3)	99.2'
	Padgett, Lake S-24, T-26, R-18	71.5'	70.5'	70.5' (CAT 1)	69.5' (CAT 1)	68.4'
	Pasadena, Lake S-16, T-25S, R-21E	96.9'	93.7'	93.7' (CAT 3)	87.3' (CAT 3)	83.9'
(t) In Pasco County Within the Pinellas- Anclote River Basin	Camp Lake S-34, T-26, R-18	64.3'	63.8'	63.4' (CAT 1)	62.0' (CAT 1)	61.3'
	<u>Linda, Lake</u> <u>S-26, T-26S, R-18E</u>		<u>66.3'</u>	<u>66.2'</u> (CAT 3)	<u>64.7'</u> (CAT 3)	<u>63.6'</u>
	Parker (Ann), Lake S-35, T-26, R-17	49.5'	48.3'	48.1' (CAT 1)	46.7' (CAT 1)	46.2'
(u) through (y) No change.						
(z) In Polk County Within the Peace River Basin	Clinch Lake S-31, T-31S, R-28E	107.4'	105.5'	105.5' (CAT 3)	104.4' (CAT 3)	103.1'
	<u>Crooked Lake</u> <u>S-01, T-31S, R-27E</u>		<u>121.2'</u>	<u>120.8'</u> (CAT 3)	<u>117.9'</u> (CAT 3)	<u>116.4'</u>
	Eagle Lake S-01, T-29S, R-25E	131.3'	129.6'	129.0' (CAT 3)	127.9' (CAT 3)	127.2'
	McLeod Lake S-07, T-29S, R-26E	133.3'	129.4'	129.4' (CAT 3)	128.3' (CAT 3)	127.0'
	Parker, Lake S-8, T-28S, R-24E	131.8'	130.6'	130.6' (CAT 3)	129.6' (CAT 3)	129.0'
	Wales Lake S-01, T-30S, R-27E	114.1'	ND	107.7' (CAT 3)	106.6' (CAT 3)	ND
(aa) through (cc) No change.						

(14) Guidance Levels established for lakes prior to August 7, 2000, are set forth in the following table:

Location of Impoundment by County and Basin	Ten Year Flood Guidance Level in Feet Above Mean Sea Level (msl)	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
(a) through (h) No change.				
(i) In Highlands County Within the Peace River Basin LAKES Sec Twsp Rng				
Adelaide, Lake 5 33S 28E	110.00	106.50	104.00	102.50
Angelo, Lake 4 27S 25E	104.00	99.50	97.00	95.00
Anoka, Lake 27 33S 28E	124.00	124.00	122.00	120.00
Apthorpe, Lake 18 36S 30E	72.00	71.50	68.00	66.00
Blue, Lake 30 36S 30E	78.70	77.50	75.00	73.50
Bonnet, Lake 8 34S 29E	91.90	90.75	88.00	86.00

Brentwood, Lake 10 33S 28E	102.30	102.75	99.50	98.00
Buck, Lake 29 37S 30E	96.40	94.00	91.50	89.50
Byrd, Lake 9 33S 28E	110.60	108.25	105.50	104.00
Carrie, Lake 21 36S 29E	75.13	75.50	73.00	72.50
Charlotte, Lake 17 35S 29E	93.90	93.75	91.25	89.75
Chilton, Lake 7 33S 28E	116.30	114.00	111.00	109.50
Clay, Lake 29 36S 30E	79.00	78.75	76.00	75.00
Crews, Lake 32 36S 29E	120.50	119.50	117.00	115.50
Damon, Lake 3 33S 28E	102.30	101.00	98.00	95.00
Denton, Lake 2 34S 28E	117.10	116.50	114.00	112.00
Dinner, Lake 17 34S 29E	103.50	102.50	98.50	97.00
Francis, Lake 22 36S 29E	70.80	70.50	67.50	66.50
Glenada, Lake 34 33S 28E	118.40	120.00	117.00	115.50
Grassy, Lake 17 37S 30E	92.10	91.50	88.50	87.50
Harry, Lake 1 36S 29E	67.60	67.50	63.00	62.00
Henry, Lake 25 36S 29E	75.13	75.50	73.00	72.50
Hill, Lake 17 36S 29E	101.00	99.25	96.00	94.50
Huckleberry Lake 7 35S 29E	104.80	104.50	102.00	101.00
Huntley, Lake 5 37S 30E	83.40	83.75	81.00	79.50
Josephine, Lake 32 35S 29E	72.70	72.50	69.00	68.50
June-in-Winter, Lake 34 36S 29E	75.13	75.50	73.00	72.50
Lake Lachard 36 36S 29E	79.56	78.50	76.00	74.00
Lelia, Lake 34 33S 29E	113.00	114.50	112.50	110.50
Little Bonnet Lake 36 33S 28E	101.70	100.00	97.00	96.00
Little Red Water Lake 14 36S 29E	104.10	103.25	100.50	98.50
Lost Lake 12 37S 29E	90.60	88.00	84.00	82.75
McCoy, Lake 6 37S 30E	87.39	87.00	84.00	82.00
Mirror, Lake 7 37S 30E	94.70	93.50	90.00	88.00

Center Nellie 13 36S 29E	73.20	71.50	67.00	65.00
Nellie N.W., Lake 1336S29E	73.20	71.50	67.00	65.00
Nellie S.E., Lake 13 36S 29E	73.20	71.50	67.00	65.00
Olivia, Lake 6 33S 28E	118.10	117.50	114.50	113.00
Pearl, Lake 6 37S 30E	87.27	87.00	84.00	82.00
Persimmon Lake 10 36S 29E	69.30	68.25	65.00	63.50
Pioneer, Lake 11 33S 28E	108.60	108.00	104.50	103.00
Plaer, Lake 30 36S 30E	94.70	94.50	91.50	90.00
Pythias, Lake 2 33S 28E	101.20	101.00	98.00	95.00
Red Beach Lake 15 35S 29E	76.80	76.50	73.75	72.75
Red Water Lake 14 36S 29E	70.80	70.50	67.50	66.50
Ruth, Lake 18 35S 29E	94.20	94.00	91.50	90.00
Saddlebags, Lake 6 37S 30E	84.27	84.00	81.00	79.00
Sebring, Lake 14 34S 28E	107.60	107.25	104.50	103.00
Simmons, Lake 24 36S 29E	74.30	72.50	68.00	66.50
Sirena, Lake 1 37S 29E	87.27	87.00	84.00	82.00
Trout Lake 34 32S 28E	100.60	101.00	98.00	95.00
Tulane, Lake 27 33S 28E	120.50	120.00	116.00	114.00
Unnamed Lake (B) 20 37S 30E	92.10	91.50	88.50	87.50
Unnamed Lake (F) 24 36S 29E	78.50	78.00	74.00	72.00
Verona, Lake 23 33S 28E	123.00	119.00	115.25	113.00
Viola, Lake 14 33S 28E	112.20	109.50	105.75	104.00
Wolf Lake 24 35S 28E	93.80	92.50	90.00	88.00
(j) through (r) No change.				
(s) In Pasco County Within the Hillsborough River Basin LAKES				
Catfish Lake S30 T25 R19	68.72	68.00	65.50	63.50
Cow (East) Lake S19 T26S R19E	78.63	78.50	76.00	75.00
Floyd, Lake S36 T26 R19	68.41	68.50	66.00	64.00

Gooseneck, Lake S29 T26 R19	75.10	73.50	71.00	69.00
Hog (Joyce) Lake S19 T26S R19E	76.66	76.50	73.50	72.50
Iola, Lake S15 T24S R20E	147.55	147.50	145.00	142.50
Jessamine, Lake S11 T24S R20E	144.18	142.00	138.00	136.00
JoAnn, Lake S30 T26 R19	68.72	68.00	65.50	63.50
King Lake S7 T26S R19E	73.58	73.50	71.50	69.50
King Lake (East) S22 T25S R20E	105.49	105.25	102.50	100.00
Moody Lake S10 T24S R20E	110.48	110.00	107.50	105.50
Myrtle, Lake S30 T26 R19	68.72	68.00	65.50	63.50
Saxon Lake S30 T26S R19E	71.34	71.25	69.00	67.50
Tampa (Turtle) Lake S32 T26 R19	66.00	65.50	63.00	61.00
Toni, Lake S30 T26 R19	68.72	68.00	65.50	63.50
Twin, Lake S28 T26 R19	68.35	67.50	65.00	63.00
Unnamed Lake #26 S25 T26 R18	68.75	68.00	65.50	63.50
(t) In Pasco County Within the Pinellas- Anclote River Basin LAKES				
Bass Lake (Holiday) S34 T26E R17S	48.80	48.75	45.75	45.00
Big Lake Vienna 23 26 18	70.70	70.25	67.00	65.00
Fishing Lake S34 T26E R17S	48.80	48.75	45.75	45.00
Geneva Lake (Mud) S26 T26E R17S	51.20	50.00	48.00	46.00
Linda, Lake 26 26 18	67.30	66.75	64.00	62.00
Little Moss (Como) Lake 35 26 18	67.00	66.00	63.00	62.00
Minniola, Lake S34 T26E R17S	51.20	50.00	48.00	46.00
Moss Lake 35 26 18	65.00	64.00	61.50	59.00
Seminole, Lake S35 T26E R17S	49.20	48.75	46.00	45.00
Thomas, Lake 11 26 18	75.60	75.00	72.50	71.50
Wistaria, Lake 2 26 18	74.90	74.00	71.00	69.00
(u) through (y) No change.				
(z) In Polk County Within the Peace River Basin				

Ada, Lake S33 T28 R27	123.80	123.00	120.00	118.00
Altamaha, Lake S11 T30 R27	122.60	122.50	120.00	118.00
Amoret Lake 24 30 27	115.50	115.25	113.00	111.00
Annie, Lake S3 T29S R27E	122.10	119.00	116.00	114.00
Arianna, Lake 3 28 25E	137.10	137.00	134.50	132.50
Aurora, Lake 13 30 28	103.30	100.00	97.00	95.00
Banana, Lake 10 29 24E	106.75	106.50	103.50	102.00
Belle, Lake 11 30 27	123.60	120.00	117.00	115.00
Bess, Lake 18 29S 27E	125.50	125.25	123.00	121.00
Big Gum Lake 26 29 R28	95.50	95.00	92.00	89.00
Blue, Lake S13 T28 R25	149.80	149.00	146.50	144.50
Blue Lake 24 30S 27E	118.00	117.00	114.00	--
Bonnie, Lake S31 T29 R28	113.30	113.00	110.00	108.00
Bonny, Lake 20 28S 24E	130.90	130.50	128.00	126.00
Buckeye, Lake S22 T28S R26E	130.10	129.00	126.00	124.50
Buffum, Lake 12 31S 26E	132.75	132.25	129.25	--
Cannon, Lake 19 28S 26E	132.60	132.00	129.50	127.00
Connie, Lake 9 28S 26E	129.70	128.75	126.50	124.50
Cooper (Worth) S02 T30 R27	124.20	123.50	121.00	119.00
Crooked, Lake ‡ 31S 27E	122.60	122.00	118.50	-
Crystal Lake S02 T30 R27	121.40	121.25	118.00	115.00
Crystal Lake S21 T28 R27	122.90	122.00	119.00	117.00
Crystal Lake 23 29S 26E	130.00	129.50	127.00	125.00
Cypress Lake 36 29 28E	100.20	98.50	95.00	93.00
Lake Daisy S6 T29 R27	130.90	130.00	127.00	126.00
Lake Deer 25 28 25E	141.30	140.75	138.50	136.50
Dell, Lake S28 T28 R27	125.70	123.75	121.50	119.50
Lake Dexter S2 T29 R26	132.20	132.00	129.00	127.50

Dinner, Lake 15 29S 27E	120.90	118.50	116.00	114.00
Easy, Lake 19 30 28	115.50	115.25	113.00	111.00
Echo, Lake S05 T28 R26	132.30	131.00	128.00	126.00
Effie, Lake 3 30 27	119.60	118.00	115.00	113.00
Elbert, Lake S22 T28 R26	137.50	135.50	133.00	131.50
Eloise, Lake 3 29S 26E	132.60	132.00	129.50	127.00
Fannie, Lake 11 28S 26E	127.00	125.75	123.50	120.00
Lake Florence S35 T28 R26	128.80	128.75	127.00	125.00
Lake Fox S6 T29 R27	135.20	135.00	132.00	131.00
Garfield, Lake 5 30 26E	105.70	104.75	101.00	100.00
Gator, Lake 26 30S 26E	133.60	133.00	130.75	128.50
George, Lake S06 T28 R26	130.70	130.00	127.50	125.50
Gibson, Lake 25 27S 23E	144.20	143.50	141.50	141.50
Gordon, Lake S16 T28 R27	121.30	119.00	116.00	114.00
Lake Grassy 2 29 25E	134.80	129.00	126.50	125.50
Lake Gross (Grassy) S14 T29 R26	138.50	136.00	133.50	132.00
Hamilton, Lake 18 28S 27E	122.50	121.50	119.00	117.25
Hancock, Lake 8 29S 25E	102.40	99.00	96.00	94.00
Hart, Lake 24 29S 26E	124.70	124.50	122.00	120.00
Hartridge, Lake 8 28S 26E	132.60	132.00	129.50	127.00
Henry, Lake 16 31S 26E	160.10	159.00	156.00	154.00
Henry, Lake 36 27S 26E	127.00	126.50	124.50	122.50
Hickory, Lake 17 32S 28E	98.50	98.50	96.00	94.00
Howard, Lake 30 28S 26E	132.60	132.00	129.50	127.00
Ida, Lake 28 31S 28E	80.00	79.00	76.50	75.00
Ida, Lake S17 T28 R26	136.70	135.25	132.00	130.50
Idyl, Lake S16 T28 R26	134.90	134.00	131.50	130.00
Idylwild, Lake 18 28S 26E	132.60	132.00	129.50	127.00

Jessie, Lake 12 28S 25E	132.60	132.00	129.50	127.00
Josephine, Lake 13 30 27	121.30	120.00	116.50	114.50
Josephine, Lake S27 T28 R27	124.10	121.50	118.00	116.50
Lee, Lake S16 T28 R27	123.50	123.50	121.50	120.00
Lena, Lake 9 28S 25E	137.10	137.00	134.50	132.50
Leonore, Lake 10 31S 28E	87.40	87.00	84.50	83.00
Link, Lake 27 28S 26E	128.70	128.00	125.00	123.00
Little Aurora	103.30	100.50	98.00	96.00
Little Gum Lake 35 29S 28E	96.80	96.50	94.00	92.00
Little Lake Hamilton 5 28S 27E	122.50	121.50	119.00	117.25
LuLu, Lake 4 29S 26E	132.60	132.00	129.50	127.00
Lee, Lake 10 29S 27E	122.10	119.00	116.00	114.00
Mabel, Lake 11 29S 27E	114.50	110.75	107.00	105.00
Mariam, Lake 27 28S 26E	-	124.75	122.75	121.00
Marie, Lake S27 T28 R27	121.00	121.00	118.00	116.00
Martha, Lake S21 T28 R26	142.50	142.00	139.00	137.00
Maude, Lake S21 T28 R26	141.70	140.50	137.50	136.00
May, Lake 29 28S 26E	132.60	132.00	129.50	127.00
Medora, Lake S36 T27 R25	140.40	138.00	134.50	133.00
Menzie, Lake S28 T28 R27	127.00	122.00	120.00	118.00
Middle Lake Hamilton 7 28S 27E	122.50	121.50	119.00	117.25
Lake Millsite 11 29 25E	125.30	123.50	121.00	119.00
Mirror, Lake 20 28S 27E	132.60	132.00	129.50	127.00
Moody, Lake 17 31S R28E	92.80	93.50	91.00	89.00
Myrtle, Lake 19 29S 27E	118.70	118.50	116.50	114.50
Lake Ned S1 T29S R26	129.60	128.50	126.00	124.00
North Lake Wales S01 T30 R27	116.80	115.00	112.00	110.00
Otis, Lake 28 28S 25E	128.70	128.00	125.00	123.00

Pansy, Lake S08 T28 R26	130.00	129.00	126.50	124.50
Parker, Lake 32 29S 27E	122.50	122.00	119.50	117.50
Parker, Lake 8 28 24E	131.60	131.00	128.75	127.50
Parks, Lake 36 29S 28E	104.50	102.50	100.00	98.00
Polecat, Lake 27 30S 26E	142.40	142.00	139.50	137.50
Reedy, Lake 35 31S 28E	80.00	79.75	77.25	75.25
Reeves, Lake 13 29S 26E	125.10	124.50	122.00	120.00
Lake River S1 T29 R26	141.60	139.50	136.00	134.00
Rochelle, Lake 4 28S 26E	129.70	128.75	126.50	124.50
Round, Lake 13 29S 26E	129.40	129.25	126.50	124.50
Roy, Lake 34 28S 26E	132.60	132.00	129.50	127.00
Ruby, Lake 12 29S 26E	125.50	125.25	123.00	121.00
Ruth, Lake S28 T28 R27	123.50	121.50	117.50	115.50
Saddlebag, Lake 6 30S 29E	106.80	105.00	102.00	100.00
Saint Anne Lake 14 30 28	97.50	96.00	93.00	91.00
Sanitary (Marianna), Lake S01 T28 R25	138.60	137.50	135.00	133.00
Sara, Lake S17 T28 R27	122.50	121.50	119.00	117.25
Scott, Lake 18 29S 24E	168.60	168.00	165.00	164.25
Lake Sears 36 28 25E	143.20	141.00	138.00	136.00
Serena, Lake S12 T30 R27	125.30	118.00	115.00	113.00
Shipp, Lake 32 28S 26E	132.60	132.00	129.50	127.00
Silver, Lake 5 32S 28E	105.00	103.00	100.50	98.50
Silver, Lake S20 T28 R26	147.10	146.50	144.00	142.00
Smart, Lake 9 28S 26E	129.70	128.75	126.50	124.50
Lake Spirit 35 28 25E	134.10	131.50	129.00	127.00
Spring, Lake 20 28S 27E	132.60	132.00	129.50	127.00
Starr, Lake 14 29 27	115.50	113.00	110.00	108.00
Streety Lake 24 32S 27E	108.70	105.50	102.50	101.00

Summit, Lake 34 28S 26E	132.60	132.00	129.50	127.00
Sunset Lake 10 30 28	101.10	98.00	95.50	93.50
Surveyors, Lake 26 30S 26E	133.60	133.00	130.75	128.50
Thomas, Lake 1 30E 28E	104.20	99.50	97.00	95.00
Lake Thomas 35 28 25E	135.60	132.00	128.00	126.00
Tractor Lake 14 30 27	125.00	123.25	121.00	119.00
Trask, Lake S22 T28 R27	114.90	113.00	108.00	106.00
Trout, Lake 34 32S 28E	100.60	101.00	98.00	95.00
Twin Lakes S11 T30 R27	124.10	123.75	120.00	118.00
Venus, Lake 9 29S 27E	126.10	125.00	122.00	120.00
Walker, Lake 21 30S 26E	143.00	141.00	137.00	135.00
Warren, Lake S11 T30 R27	124.60	123.50	121.00	119.00
Weader (Weaver), Lake S03 T30 R27	122.00	121.75	119.00	117.00
Winterset, Lake 11 29S 26E	132.60	132.00	129.50	127.00
(aa) through (cc) No change.				

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, ~~373.0395~~, 373.042, 373.0421, 373.086 FS. History—New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04, 12-10-04, 6-5-05, 1-1-07, 2-12-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Doug Leeper, Chief Environmental Scientist, Resource Conservation and Development Department, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 2007

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2007; October 26, 2007; November 2, 2007

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-4.001

RULE TITLE:

Medicaid Providers Who Bill on the CMS-1500

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference Update November 2007 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500. The handbook update contains corrected instructions for entering the National Provider Identifier and expanded instructions on entering the National Drug Code for injectable medications on the claim form. The effect will be to incorporate by reference in rule Update November 2007 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500.

SUMMARY: The purpose of this rule amendment is to incorporate by reference Update November 2007 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500. The effect will be to incorporate by reference in rule Update November 2007 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.907, 409.908, 409.912 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: Tuesday, January 22, 2008, 2:00 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 IS: Ouida Mazzoccoli, Agency for Health Care Administration, Medicaid Services, 2727 Mahan Drive, MS #20, Tallahassee, FL 32308, (850)922-7351, mazzocco@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.001 Medicaid Providers Who Bill on the CMS-1500.

(1) All Medicaid providers and their billing agents who submit claims on behalf of an enrolled Medicaid provider who are required by their service specific coverage and limitations handbook or other notification by the Medicaid Program to bill the Florida Medicaid Program on a paper CMS-1500 claim form for reimbursement of services performed on a Medicaid eligible recipient, must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, February 2006, updated January 2007 and November 2007, which is incorporated by reference. The handbook is available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbook may be obtained by calling Provider Inquiry at (800) 377-8216.

(2) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912 FS. History—New 10-1-03, Amended 7-2-06, 3-7-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ouida Mazzoccoli

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Andrew Agwunobi, M.D., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 5, 2007

DEPARTMENT OF MANAGEMENT SERVICES

Communications and Information Technology Services

RULE NOS.:	RULE TITLES:
60FF-1.001	General
60FF-1.002	Definitions
60FF-1.003	Establishing and Maintaining Eligibility for Non-Required SUNCOM Customers
60FF-1.004	Required Users Filing SUNCOM Exemption Requests for Use of Network Resources Not Provided through SUNCOM
60FF-1.005	Exemption Request Part I: Description of the Business Objectives
60FF-1.006	The Department's Evaluation of Part I of Exemption Requests
60FF-1.007	Exemption Request Part II: Description of the Network Solution
60FF-1.008	The Department's Evaluation of Part II of Exemption Requests
60FF-1.009	Exemption Request Part III: Verification that the Purchase and Implementation Met Rules Requirements
60FF-1.010	The Department's Evaluation of Part III of Exemption Requests
60FF-1.011	State Intranet Users Clearance Requests Related to Interoperability and Security
60FF-1.012	Department Response to Clearance Requests

PURPOSE AND EFFECT: Because SUNCOM was a component of the State Technology Office (STO), the elimination of the STO left SUNCOM without rules. These proposed rules reestablish SUNCOM rules with significant and fundamental changes because of changes to Statutes, technology and deregulation of the telecommunications industry that were not accounted for in the STO rules.

SUMMARY: These proposed rules describe steps and criteria for verifying Eligibility to use SUNCOM and to become a customer; establish a process that replaces the CPLA process for statutorily "Required Users" (agencies and universities according to Section 282.103(3), F.S.) to obtain exemptions from use of SUNCOM; establish a "Clearance Request" process for SUNCOM Intranet customers before implementing non-SUNCOM network solutions.

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

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

SPECIFIC AUTHORITY: 282.102 (9) FS.

LAW IMPLEMENTED: 282.102, 282.103, 282.104, 282.105, 282.106, 282.107 FS.

A HEARING WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATES AND TIMES: January 28, 2008, 1:00 p.m., February 7, 2008, February 20, 2008, 9:00 a.m.

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Carolyn Mason, Department of Management Services, Communications and Information Technology, 4030 Esplanade Way, Suite 125K, Tallahassee, FL 32309; Carolyn.mason@dms.myflorida.com or telephone 850/922-7503.

Interested parties are encouraged to obtain electronic copies of these proposed rules via an electronic mail request to Carolyn Mason and send Ms. Mason specific excerpts with clearly identifiable suggestions on how the proposed wording can be improved (i.e. using underline and strike through to signify suggested changes). All parties providing such suggestions should include information identifying themselves and the organization they represent with contact information.

THE FULL TEXT OF THE PROPOSED RULES IS:

STATE COMMUNICATIONS DEFINITIONS; USAGE QUALIFICATIONS; EXEMPTIONS AND CLEARANCES

60FF-1.001 General.

As mandated by Section 282.103, F.S., the Department of Management Services (the Department) shall design, acquire, engineer, implement and operate a statewide network referred to as SUNCOM. Barring exceptions described within these rules, the Department shall obtain, secure, manage, coordinate State communications and provision for use of State communications services, equipment and communications software. Most of these communications resources shall be rendered into a cohesive SUNCOM network with centrally controlled invoicing to achieve economies of scale, interoperability, accountability and enhanced capabilities for voice, data, video, radio, telephony, wireless, and multimedia communications services that SUNCOM shall make available to Eligible Users. The Department shall further establish standards for, regulate and monitor connections to the SUNCOM network. This rule chapter applies to Eligible Users, as defined in Sections 282.103, .104, .105, and .106, F.S., including state agencies, political subdivisions of the state,

municipalities, educational institutions, libraries, and nonprofit corporations using SUNCOM or procuring communications services through the Department.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—New _____.

60FF-1.002 Definitions.

(1) The following terms as defined below, are applicable to Chapters 60FF-1, 60FF-2 and 60FF-3.

(a) Authorizing Official – An individual appointed by the Eligible User who shall assume one or several roles, and have the ability to exercise the secure and exclusive rights granted through those roles, in the CSAB System(s) on behalf of the Eligible User. Authorizing Officials shall have the authority to obligate funds on behalf of the Eligible User and to approve expenditures for communications services through their actions in the CSAB System(s) or by their receipt of uncontested electronic mail notifications from SUNCOM staff regarding changes to Customer services as reflected in the CSAB System(s). At least one Authorizing Official appointed by the Eligible User shall have the authority to establish other Authorizing Officials for the same Eligible User, thus granting the associated authorities, within the CSAB System(s). Some or all of the Authorizing Officials shall be knowledgeable about the Electronic Communications needs and conditions of the Eligible User.

(b) Backdoor – Any Unauthorized Connection linking an part of the State Intranet to an outside network or the Internet.

(c) Billing Data – Data, in standardized formats established by the Department used by the Department to charge Customers for the relative portions of SUNCOM Services they use.

(d) Business Objective – An operational or cost savings benefit expected from use of Network Equipment, Software or Services. The mere implementation, ownership or use of Network Equipment, Software or Services or Communications Devices shall not be considered to be a genuine Business Objective.

(e) Communications Device – Any device or software which renders audio, video and/or data into Electronic Communications.

(f) Communications Service Authorization and Billing System (CSAB Systems) – The Department system(s) for ordering SUNCOM Services, billing Customers for SUNCOM Services and the associated electronic repository of CSA and Billing Data that is available to Customers by accessing through the Web site <http://SUNCOM.myflorida.com>.

(g) Communications Service Authorization (CSA) – Order from Eligible User requesting a SUNCOM Service placed through the CSAB System(s), authorizing its

installation/implementation and implicitly or explicitly acknowledging the associated Eligible User payment obligations.

(h) Communication Service Provider – Entity providing communications services, circuits, hardware or software within the State of Florida.

(i) Connection – A link between two devices or networks to facilitate Electronic Communications.

(j) Customer – An entity that is a qualified Eligible User and has accepted access to the CSAB System, has ordered, retains usage of or is paying for a SUNCOM Service. In instances where different entities order, use or pay for a specific SUNCOM Service, the using entity is considered to be the Customer.

(k) Customer's Physical Network – All of the devices, software and circuits facilitating the Customer's Electronic Communications in one location. The Customer's Physical Network ends at the point(s) where it is connected to any circuits provided by SUNCOM, a Communications Service Provider or any public network.

(l) Department – The Florida Department of Management Services.

(m) Electronic Communications – The exchange of electronic information between networks and/or devices including voice, data, video and multimedia using physical, virtual and/or wireless transport methods.

(n) Eligible User – Qualifying user of SUNCOM Services including state agencies, county and municipal agencies, public schools and districts, private, nonprofit elementary and secondary schools (provided they do not have an endowment in excess of \$50 million), state universities, community colleges, libraries, water management districts, state commissions and councils, and nonprofit corporations. Any entity ordering or using or paying for a SUNCOM Service must be an Eligible User.

(o) Network Equipment – Any device or circuit which establishes Physical or Virtual Connections from within the Customer's Physical Network to networks or devices outside of the Customer's Physical Network to facilitate communications on behalf of Communications Devices or other Network Equipment. A Communications Device, regardless of its primary use, shall be classified as Network Equipment if it also performs this Network Equipment function.

(p) Network Service – Any service that includes establishment of Physical or Virtual Connections from within the Customer's Physical Network to networks or devices outside of the Customer's Physical Network to facilitate communications on behalf of Communications Devices or Network Equipment. This also includes any services to install, configure or manage Network Software or Network Equipment.

(q) Network Security – The protection of network topologies and associated services from unauthorized modification, destruction, or disclosure and the reassurance that the network performs its critical function without harmful side effects.

(r) Network Software – Any software which establishes Physical or Virtual Connections from within the Customer's Physical Network to networks or devices outside of the Customer's Physical Network to facilitate communications on behalf of Communications Devices or Network Equipment.

(s) Network Solution – Use of Network Equipment, Network Software and/or Network Services to meet a Business Objective.

(t) Physical Connection – Hardware and/or circuit used to establish and/or maintain a Connection.

(u) Portfolio of Services – The electronic publication located on the official Web site of the Department defining SUNCOM Services and providing associated technical standards, as mandated in Section 281.102(1), F.S.

(v) Required User – All state agencies and state universities mandated to use SUNCOM in Section 281.103, F.S.

(w) Security Breach – Any instance where Florida government data or software is accessed or becomes accessible to unauthorized parties or instances where the resources owned or leased by Florida government entities, their partners or vendors are rendered inoperable, unavailable or impaired due to actions of an unauthorized party.

(x) State Intranet – That portion of the SUNCOM network protected from other networks or the Internet via the State Firewall maintained by the Department.

(y) State Network – The entire SUNCOM offering including the State Intranet, extranet from the State Intranet, virtual private network connections through the State Intranet and all portions of the SUNCOM infrastructure regardless of whether it is leased or owned by the Department. This includes the private and public portions and the portion in between the private and public portions.

(z) Sub-network – Networks established by Customers within, or attached to, the broader State Network that is maintained by the Department.

(aa) SUNCOM Provider – Communication Service Provider authorized by the Department to sell, deliver, configure and/or maintain hardware, circuits, software and/or services under the SUNCOM name to SUNCOM Customers. SUNCOM Providers must be in compliance with all applicable laws, including rules or regulations promulgated by the Florida Public Service Commission and the Federal Communications Commission if the SUNCOM Provider is a Communication Service Provider regulated by these agencies.

(bb) SUNCOM Services – Network Equipment, Network Services, Network Software, Communications Devices or the configuration or management of any of these, obtained,

secured or provided by the Department and rendered into services that are made available to Eligible Users by the Department or SUNCOM Providers under agreements with the Department

(cc) System Failure – Any condition where Florida government Electronic Communications are impaired or inoperable.

(dd) Traffic – Flow of Electronic Communications over Network Hardware and circuits.

(ee) Traffic Monitoring – Information collected regarding communications over the State Network including destination/source address, volume, pattern, and date and time information that may be recorded and analyzed by the Department for any given session.

(ff) Unauthorized Access – Any sign-on and/or log-on activity accessing any part of the State Network and/or connected devices performed by an Unauthorized User.

(gg) Unauthorized Activity – Unauthorized Access to, Unauthorized Connection to, Unauthorized Traffic on and Unauthorized Use of the State Network.

(hh) Unauthorized Connection – Any virtual private network, private virtual circuit, extranet and/or point-to-point connection to the State Network that has not been disclosed to and recorded by the Department.

(ii) Unauthorized Traffic – Any communications transported across the State Network that is not directly relevant to state business and/or that is directed to or from an Unauthorized User.

(jj) Unauthorized User – Individual user not affiliated with and authorized by a current Customer of SUNCOM who is using the State Network.

(kk) Virtual Connection – The configuration or use of software to establish and/or maintain a Connection.

(2) Other terms shall have their commonly understood meanings.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60FF-1.003 Establishing and Maintaining Eligibility for Non-Required SUNCOM Customers.

(1) Eligible Users which are not Required Users must submit an electronic mail request to customerservice@dms.myflorida.com, provide the associated information necessary to prove eligibility and agree to the provisions of these rules and SUNCOM policies and procedures prior to becoming a Customer.

(2) Once designated by the Department as eligible, Eligible Users have the obligation to maintain understanding of statutory eligibility requirements, verify their ongoing eligibility and notify the Department upon loss of eligibility.

(3) At any time the Department may declare an Eligible User ineligible if the Department finds that the Customer no longer qualifies in accordance with Sections 282.103-.107, F.S.

(4) The acts of an entity to establish an account in the CSAB System(s) or accept SUNCOM Services is considered acknowledgement by the entity of these eligibility requirements and is a declaration that the entity is eligible in accordance with Sections 282.103-.107, F.S.

(5) The registration process in the CSAB System(s) will consist of the following:

(a) Upon first login of the Authorizing Official (User), the User will be prompted with a statement akin to the following: By ordering SUNCOM Services, the User acknowledges:

1. All requirements of Chapter 282, F.S., and the Rules, policies and procedures of the Department;

2. Responsibility to pay for ordered services until cancelled by the User;

3. That the resale of any SUNCOM service to a non-Eligible User is expressly prohibited;

4. Responsibility to notify the Department upon any change in eligibility within thirty days of status change;

5. That telephone numbers and electronic addresses provided by the Department as part of the SUNCOM Service offering belong to the Department and upon termination of the SUNCOM service cannot be transferred to another entity without the Department's expressed written consent.

(b) The potential Customer will be asked to Accept or Decline these terms and conditions.

(6) Accepting these terms will allow the Customer to provide a profile in the CSAB System including:

(a) Category of Organization as pertains to eligibility: County, City, Non-Profit, Education, Library, Contractor, etc.

(b) If the User is a Contractor, additional information is required before use of the CSAB System is possible: State Agency, County or City government the Eligible User has a contract with, Contract Number, Expiration Date, Contract Administrator (must be state, county or city government employee), Telephone Number of Contract Administrator, Email Address of Contract Administrator.

(c) Upon completion of this information, the Customer will be able to place orders.

(7) Declining these terms will result in a statement akin to the following: Acceptance is required for the use of SUNCOM Service. Please contact your local SUNCOM Representative with questions or concerns at: 888-4SUNCOM.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60FF-1.004 Required Users Filing SUNCOM Exemption Requests for Use of Network Resources Not Provided through SUNCOM.

(1) Required Users intending to implement a Network Solution through means other than SUNCOM, must obtain an exemption from the Department of Management Services by filing an Exemption Request consisting of the three parts described Rules 60FF-1.005 through 60FF-1.010, F.A.C.

(2) Upon identifying a business need requiring a new Network Solution and prior to developing any part of the Exemption Request, the Required User shall discuss the Required User's need with the Department to find out if SUNCOM's existing or impending services, or a collaborative effort between the Department and the Required User, can accommodate the need.

(3) The Required User shall incorporate common practices of readability including tables of contents, headings, executive summaries or cover letters, proper grammar and spelling. Recommended templates and examples shall be provided through the Portfolio of Services as they become available.

(4) Required Users shall submit Exemption Requests either:

(a) Through the provisions of the CSAB System.

(b) Or via electronic mail with attachments to SUNCOMRequests@myflorida.com with "Exemption Request" and the name of the Required User in the Subject line.

Note that if the request contains sensitive information, use of electronic mail may pose security risks.

(c) Or via U. S. Postal Service address to: Department of Management Services, SUNCOM, Attention: Exemption Request Processing, 4030 Esplanade Way, Tallahassee, Florida 32399-0950.

(5) If at any time after submittal of the Exemption Request, the Required User determines that SUNCOM can satisfy the Required User's Business Objectives described in the Exemption Request, the Department or the Required User shall acknowledge that fact in writing. The Required User and the Department shall then be absolved of the requirements related to Exemption Requests. The Department and the Required User shall then arrange for implementation of SUNCOM Services or preparation of a SUNCOM proposal to meet the Customer's Business Objectives.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—New _____.

60FF-1.005 Exemption Request Part I: Description of the Business Objectives.

Part I shall consist of the following:

(1) Standard contact, categorization and tracking data including:

(a) The Customer account number;

(b) Requesting Required User organization name, address, city, state, zip code;

(c) Exemption Request author, name, telephone number, electronic mail address;

(d) Address, city, state, zip code where the primary part of Network Solution implementation shall take place;

(e) Date that the Network Solution is to be implemented;

(f) Category of service to which the Exemption Request pertains (e.g., Voice, Data, Conferencing, Wireless);

(g) Any pending SUNCOM orders affected;

(h) Brief summary of Business Objectives.

(2) Verification that Part I of the Exemption Request has been authorized by the Chief Information Officer or the equivalent (if a CIO does not exist) for the Required User.

(3) The Required User's description of the Business Objectives to be satisfied by the proposed Network Solution for which the Required User is seeking an Exemption. The description shall contain the same essential information the Required User used (shall use) to formulate the Required User's proposed Network Solution (in Part II).

(4) A general description of the Required User's proposed technical means to achieve the Business Objectives in sufficient detail for the Department to evaluate whether the Department can currently, or shall soon be able to, provide a solution.

(5) A description of the Required User's findings from their initial inquiry to and discussions with SUNCOM regarding the Required User's needs in accordance with subsection 60FF-1.004(2), F.A.C. Upon identifying a business need requiring a new Network Solution and prior to developing any part of the Exemption Request, the Required User shall discuss the Required User's need with the Department to find out if SUNCOM's existing or impending services, or a collaborative effort between the Department and the Required User, can accommodate the need. Upon identifying a business need requiring a new Network Solution and prior to developing any part of the Exemption Request, the Required User shall discuss the Required User's need with the Department to find out if SUNCOM's existing or impending services, or a collaborative effort between the Department and the Required User, can accommodate the need.

(6) The expected timing of the milestones for implementing the solution.

(7) All of the projected one-time and recurring costs of the solution. This includes all of the costs of Network Services, Network Software and Network Equipment, project management, planning, consulting, procurement process and miscellaneous costs associated with the entire project.

(8) This statement: "Based upon current information available to the requestor, the Business Objectives described in Part I of this Exemption Request cannot currently be satisfied through SUNCOM Services."

(9) The name and contact information of the person holding a full time position as an employee of the Required User in a position established through the General Appropriations Act who shall have authored the Exemption Request and shall be available to answer related questions.

(10) Any subsequent supplementary documentation requested by the Department that shall clarify or elaborate on Part I components and is needed to properly evaluate Part I of the Required User's Exemption Request.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History--New _____.

60FF-1.006 The Department's Evaluation of Part I of Exemption Requests.

The Department shall make one of three findings regarding the Department's ability to provide a timely and cost effective SUNCOM solution to the Required User's Business Objectives within 15 days after receipt of Part I of the Exemption Request.

(1)(a) If the Department makes a preliminary finding that a SUNCOM Service cannot currently satisfy the Business Objectives and requires more information than what is contained in Part I in order to complete its evaluation, the Department shall notify the Required User of this finding and begin evaluating Part II as soon as it is available.

(b) If the Department finds that some of the standard components of Part II are unnecessary to the Department's evaluation, it may notify the Required User that those components need not be provided.

(2) If the Department makes a final determination that a SUNCOM Service cannot meet the Required User's genuine Business Objectives described in Part I, the Department shall notify the Required User of this finding and that none of Part II needs to be submitted.

(3)(a) If the Department concludes that a SUNCOM Service, or a collaborative effort between the Department and the Required User, can meet the Required User's Business Objectives described in Part I, the Department shall notify the Required User that the Exemption Request has been denied, none of Part II needs to be submitted and the Department intends to propose a solution.

(b) Within 30 days from submittal of the Exemption Request, the Department shall provide the Required User a SUNCOM proposal at a level of detail that is commensurate with the completeness and thoroughness provided in Part I of the Exemption Request. This SUNCOM proposal may include a general description of a proposed collaborative effort between the Department and the Required User to meet the Required User's need.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History--New _____.

60FF-1.007 Exemption Request Part II: Description of the Network Solution

(1) At the Required User's discretion, the Required User may submit Part II at the same time Part I is submitted. However, Part II shall not be evaluated by the Department until after the evaluation of Part I is complete.

(2) The Part II description of the Network Equipment, Software or Services must include the following:

(a) Verification that Part II of the Exemption Request has been authorized by the Chief Information Officer or the equivalent (if a CIO does not exist) for the Required User.

(b) An explanation of how the proposed Network Solution shall be used to satisfy the Business Objectives in Part I.

(c) Descriptions of the Network Equipment, Software or Services comprising the proposed Network Solution.

(d) Appropriate categorization and projected costs of the expected sources of Network Equipment, Software and Services using the following three categories:

1. "Internal Resources" – Required User full or part-time staff, Required User owned Equipment and Software developed by the Required User.

2. "Vendor(s) Resources" – Vendor provided Equipment, Software and Services.

3. "SUNCOM Resources" – SUNCOM provided Equipment, Software and Services.

(e) An update to the expected costs listed in Part I (per subsection 60FF-1.005(6), F.A.C.).

(f) The procurement method expected to be used such as: State Contract Number, Single Source, Invitation to Bid, Request for Proposal.

(g) If known at the time of submittal of Part II: the entity that is expected to provide the solution with contact information including: entity name, city, state, representative name, telephone number, electronic mail address.

(h) The Return on Investment (ROI) calculations estimating the net cost savings from the proposed solution using all of the estimated short and long term costs of the solution if cost savings is considered to be among the benefits described in Part I. ROIs must show the calculation methods in sufficient detail to allow for replication.

(i) Schematics of the affected network prior to and after the implementation of the solution.

(j) General descriptions of security exposures associated with the proposal and security measures to address the exposures.

(k) This statement: "This Exemption Request and the solution it proposes is in compliance with Sections 282.102 and 282.103, F.S., and Title 60FF of the Florida Administrative Code and shall be implemented in a manner that is consistent with the Security Requirements of Chapter 60FF-3, F.A.C."

(1) The name and contact information of the person, holding a full time position as an employee of the Required User in a position established through the Appropriations Act who shall have authored the request and shall be available to answer related questions.

(3) The Required User must provide any subsequent supplementary documentation requested by the Department that shall clarify or elaborate on Part II components and is needed to properly evaluate Part II of the Required User's Exemption Request.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History--New _____.

60FF-1.008 The Department's Evaluation of Part II of Exemption Requests.

If the Department concludes that a SUNCOM Service, or a collaborative effort between the Department and the Required User, can better meet the Required User's Business Objectives than the means proposed in Part II, the Department shall notify the Required User that the Request has been denied and that the Department intends to propose a solution within 30 days. The Department shall use the following criteria when evaluating Part II of the Exemption Request:

(1) Congruity – The Department shall evaluate the congruity of Part II to ensure that the Required User's proposed Network Solution is likely to meet the genuine Business Objectives described in Part I. The Department shall evaluate congruity only for the purpose of establishing comparable standards of comparison between the Required User's proposed solution and potential SUNCOM alternatives. This congruity evaluation shall neither consider the appropriateness of the Business Objectives (beyond ensuring that they are genuine Business Objectives), nor be a means of managing the Required User's risk, nor determine if the cost to achieve the Required User's genuine Business Objectives is appropriate unless one of the objectives is cost savings or if the Department can provide a SUNCOM alternative that is less expensive to the State.

(a) If the Department determines that there are material incongruities in Part II or between Parts I and II, the Department shall either:

1. Request that the Required User make changes to Parts I and/or II reconciling incongruities. If the Department asks the Required User to reconcile incongruities, the Department shall specifically name all identifiable material incongruities and be comprehensive in its evaluation of the Exemption Request. Accordingly, subsequent requests from the Department shall not require the Required User to submit changes to components of the request previously seen by the Department if the components were not previously identified as a concern and are unaffected, directly or contextually, by a change to the Exemption Request.

2. Request that the Required User resubmit the entire Exemption Request based on the determination that the incongruities are so substantial that a broad reconsideration by the Required User is warranted. In such instances, the Department shall specify the major concerns but shall not provide a detailed evaluation as described in a. If the Department asks the Required User to reconcile incongruities, the Department shall specifically name all identifiable material incongruities and be comprehensive in its evaluation of the Exemption Request. Accordingly, subsequent requests from the Department shall not require the Required User to submit changes to components of the request previously seen by the Department if the components were not previously identified as a concern and are unaffected, directly or contextually, by a change to the Exemption Request. If the Department asks the Required User to reconcile incongruities, the Department shall specifically name all identifiable material incongruities and be comprehensive in its evaluation of the Exemption Request. Accordingly, subsequent requests from the Department shall not require the Required User to submit changes to components of the request previously seen by the Department if the components were not previously identified as a concern and are unaffected, directly or contextually, by a change to the Exemption Request. above.

3. Conclude that the Department alone or a collaborative effort between the Department and the Required User can develop an alternative solution that is more responsive to the Business Objectives described in Part I or more tenable or less expensive than what is proposed in Part II. The Department shall then:

a. Deny the Exemption Request.

b. Within 30 days from the denial of the Exemption Request, provide the Required User a SUNCOM proposal at a level of detail that is commensurate with the completeness and thoroughness provided in Part II of the Exemption Request. This proposal may include a general description of a collaborative effort between the Department and the Required User to meet the Required User's need.

(2) The Department shall use the following congruity criteria:

(a) Congruity between the Required User's Business Objectives (described in Part I) and the proposed Network Solution (described in Part II): This criterion shall determine if the likely benefits of the proposed Network Solution will satisfy the Required User's identified Business Objectives.

(b) Congruity between the Required User's estimated costs and the realistic resources required, market conditions and scope that will likely drive costs: This criterion shall determine if the costs estimate is realistic.

(c) Congruity between the Required User's estimated timing and the work effort required: This criterion shall determine if the milestones in Part I are realistic given the description of the proposed Network Solution in Part II.

(d) Congruity between the Required User's expectations of the proposed Network Solution and the likelihood those expectations shall be met: This criterion shall determine if the proposed technology has been used before to satisfy equivalent Business Objectives and what is the likelihood of success based upon the scope, technological maturity and track-record of similar projects.

(3) Economies of scale considerations.

(a) If the Department determines that the Required User can satisfy its Business Objectives at the same or lower costs in a timely manner through a shared solution with another Required User or the Required User's subordinate entities, the Department shall negotiate with the Required User with the goal of implementing a shared solution.

(b) If the Department proposes a collaborative or shared solution between the Required User and the Department then the Department:

1. Shall commit to an approach that shall not unreasonably delay the Required User's project nor compel the Required User to incur additional costs.

2. May require that the shared solution become a SUNCOM offering from which the Required User obtains the solution.

(4) Compatibility of the solution with the State Network – If the Department determines that the Network Solution proposed in Part II creates incompatibility with the State Network such that State communications or economies of scale shall be impaired, the Department shall request that the Required User modify its Network Solution proposal accordingly. If the solution cannot be modified to prevent the impairments, the Department shall deny the Exemption Request.

(5) Security Impact on the State Network – If the Department determines that the Network Solution proposed in Part II will not comport with the Network Protection Standards for State Network established in Rule 60FF-3.004, F.A.C., the Department shall request that the Required User modify its proposed Network Solution accordingly. If the solution cannot be modified to comport with Rule 60FF-3.004, F.A.C., the Department shall deny the Exemption Request.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60FF-1.009 Exemption Request Part III: Verification that the Purchase and Implementation Met Rules Requirements.

If the Department has approved Parts I and II of the Exemption Request, the Required User shall provide copies of all related procurement solicitations, contracts, purchase orders or agreements for related Network Services, Network Software and Network Equipment as they become available.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60FF-1.010 The Department's Evaluation of Part III of Exemption Requests.

If the Department discovers that any procurement solicitations, contracts, purchase orders or agreements related to the Exemption Request do not comply with Rule 60FF-3.005, F.A.C., the Department shall deny the Exemption Request.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60FF-1.011 State Intranet Users Clearance Requests Related to Interoperability and Security.

(1) Specific Customers must provide certain information regarding the interoperability and security of network projects to obtain a clearance from the Department prior to implementation. This rule applies to SUNCOM Customers which are:

(a) Using the State Intranet.

(b) And are not Required Users covered under the provision of Rule 60FF-1.004, F.A.C.

(c) And are intending to initiate Network Solutions that result in the purchase or lease of Network Services, Network Software or Network Equipment and these network resources:

1. Make use of the Internet Protocol.

2. And are not provided through SUNCOM.

(2) These Customers shall submit Clearance Requests either:

(a) Through the provisions of the CSAB System described in Chapter 60FF-2, F.A.C.

(b) Or via electronic mail with attachments to SUNCOMRequests@myflorida.com with "Clearance Request" and the name of the Customer in the subject line. Note that if the request contains sensitive information, use of electronic mail may pose security risks.

(c) Or via U. S. Postal Service address: Department of Management Services, SUNCOM, Attention: Clearance Request Processing, 4030 Esplanade Way, Tallahassee, Florida 32399-0950.

(3) These Customers must provide the following as a part of the Clearance Request:

(a) Standard contact, categorization and tracking data including:

1. The Customer account number;

2. Customer organization name, address, city, state, zip code;

3. Clearance Request author name, telephone number, electronic mail address;

a. Note that this contact person shall be available to answer related questions.

4. Address, city, state, zip code where the primary part of the Network Solution shall take place;

5. Date that the Network Solution is to be implemented;

6. Category of service the Clearance Request pertains to (e.g., Voice, Data, Conferencing, Wireless);

7. Any pending SUNCOM orders affected;

(b) Brief summary of Business Objectives.

(c) Descriptions of the Network Equipment, Software or Services comprising the Network Solution.

(d) If known at the time of submittal of the Clearance Request, the entity that is expected to provide the solution with contact information including: entity name, city, state, representative name, telephone number and electronic mail address.

(e) Schematics of the affected network prior to and after the implementation of the Network Solution.

(f) General descriptions of security exposures associated with the proposal and security measures to address the exposures.

(4) A statement must be included that the Customer shall commit to Rule 60FF-3.005, F.A.C., and be prepared to demonstrate this commitment by providing copies of purchasing documents, if requested by the Department.

(5) The Customer must provide any subsequent supplementary documentation requested by the Department that shall clarify or elaborate on the Network Solution and is needed to properly evaluate its potential impact on the State Intranet and its other Customers.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—New_____.

60FF-1.012 Department Response to Clearance Requests.

(1) The Department shall evaluate the Customer’s Clearance Request for the following conditions:

(a) Compatibility of the solution with the State Network – If the Department determines that the Network Solution creates incompatibility with the State Intranet such that State communications or economies of scale shall be impaired, the Department shall request that the Customer modify its Network Solution accordingly. If the Network Solution cannot be modified to prevent the impairments, the Department shall deny the Clearance Request.

(b) Security Impact on the State Network – If the Department determines that the Network Solution shall not comport with the Network Protection Standards for State Network established in Rule 60FF-3.004, F.A.C., the Department shall request that the Customer modify its Network Solution accordingly. If the Network Solution cannot be modified to comport with Rule 60FF-3.004, F.A.C., the Department shall deny the Clearance Request.

(2) Clearance Requests that are denied shall result in one of the following:

(a) Re-submittal of another approach by the Customer.

(b) A proposal from the Department for an alternative approach that is in compliance.

(c) Termination of the Customer’s participation in the State Intranet.

Specific Authority 282.102(9) FS. Law Implemented 282.102 (2), (5) (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charles Ghini, Director of Telecommunications and Wireless, and Michael Kyvik, Chief of Operations, Communications and Information Technology Services (CITS)

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Terry Kester, Deputy Secretary, Communications and Information Technology Services (CITS), Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2007

DEPARTMENT OF MANAGEMENT SERVICES

Communications and Information Technology Services

RULE NOS.	RULE TITLES:
60FF-2.001	Order Process
60FF-2.002	Customer Responsibilities in Order Process
60FF-2.003	Communications Service Provider Responsibilities in Order Process
60FF-2.004	The Department’s Responsibilities in Order Process
60FF-2.005	SUNCOM Charges to Customers
60FF-2.006	SUNCOM Provider Billing to Department
60FF-2.007	SUNCOM Provider Billing Directly to Customers

PURPOSE AND EFFECT: Because SUNCOM was a component of the State Technology Office (STO), the elimination of the STO left SUNCOM without rules. These proposed rules reestablish SUNCOM rules with significant and fundamental changes because of changes to Statutes, technology and deregulation of the telecommunications industry that were not accounted for in the STO rules.

SUMMARY: The proposed rules describe the SUNCOM order and billing processes; establish clear processes for SUNCOM billing to customers and; establish clear processes for vendor billing to SUNCOM and vendor direct billing to customers.

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

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

SPECIFIC AUTHORITY: 282.102(9) FS.

LAW IMPLEMENTED: 282.102, 282.103, 282.104, 282.105, 282.106, 282.107 FS.

A HEARING WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATES AND TIMES: January 28, 2008, 1:00 p.m., February 7, 2008, February 20, 2008, 9:00 a.m.

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, 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 2 days before the workshop/meeting by contacting: Marta McPherson at (850)488-2706. 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 RULES IS: Carolyn Mason, Communications and Information Technology Services, 4030 Esplanade Way, Suite 125K, Tallahassee, Florida 32303; Carolyn.mason@dms.myflorida.com or telephone (850)922-7503

Interested parties are encouraged to obtain electronic copies of these proposed rules via an electronic mail request to Carolyn Mason and send Ms. Mason specific excerpts with clearly identifiable suggestions on how the proposed wording can be improved (i.e. using underline and strike through to signify suggested changes). All parties providing such suggestions should include information identifying themselves and the organization they represent with contact information.

THE FULL TEXT OF THE PROPOSED RULES IS:

STATE COMMUNICATIONS ORDER PROCESSING AND BILLING

60FF-2.001 Order Process.

The Customer Service Authorization Process shall be as follows:

(1) Unless specifically authorized in writing by the Department, Customers shall initiate all requests for SUNCOM Services in the Communications Service Authorization System or permit the Department to initiate them on the Customer's behalf with the Customer's consent through the CSAB System(s).

(2) Any transactions within the CSAB System(s) initiated by Customers that result in placement of an order shall be clearly marked with a label "Place Order."

(3) Upon completion of a successful order placement, the CSAB System(s) shall attempt to send a confirmation via electronic mail to the electronic mailing address on file in the CSAB System for the Authorizing Official who placed the order.

(4) The Department shall review CSA requests, modify them if necessary, then satisfy them or process them for satisfaction by another party, or reject them based upon their compliance with these rules and compatibility with SUNCOM offerings. Each modification, major progressive step, rejection or satisfaction of the request shall result in electronic notification and/or readily apparent indicative changes in the CSA and/or Billing Data within the CSAB System(s).

(5) SUNCOM Providers shall use the CSAB System(s) or exchange data with the CSAB System in accordance with the Department data exchange standards, as the means of accepting SUNCOM service requests and shall expeditiously and accurately update status information regarding the SUNCOM Provider's efforts to satisfy the request and/or make changes to the SUNCOM service.

(6) The CSAB System(s) shall be the foundation of the SUNCOM inventory of services obtained from SUNCOM Providers and Services consumed by Customers. Therefore, the CSA data shall be the basis for billing and audits verifying the accuracy of SUNCOM Provider charges to SUNCOM and SUNCOM charges to Customers.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—New _____.

60FF-2.002 Customer Responsibilities in Order Process.

The Customer's responsibilities in the order process shall be as follows:

(1) Register to Become a Customer – Eligible Users which are not SUNCOM Customers or Required Users must submit a request, provide the associated information and agree to the terms and conditions as described in Rule 60FF-1.003, F.A.C.

(2) Appoint and Maintain Authorizing Officials - The Customer shall appoint Authorizing Official(s) on behalf of the Eligible User and all of its subordinate entities (for which the Customer makes organizational and/or accounting distinctions). Multiple roles within the CSAB system(s) may be held by single or several individuals, as long as all of the roles available to Customers in the CSAB system(s), including the authority to appoint other Authorizing Officials, are performed by appointees of the Customer.

(a) Each Customer shall have the sole responsibility to ensure that only its duly designated Authorizing Officials exercise the commensurate Customer authorities in the CSAB System(s) on the Customer's behalf.

(b) All Authorizing Officials are obliged to achieve and maintain understanding of their role(s) and associated authorities and functionality of the CSAB system(s) and SUNCOM processes to satisfy Customer requests and to invoice for services.

(3) Establish and Maintain Customer Accounts – Each Customer shall establish and maintain accurate and current data within the CSAB System(s) regarding the Customer’s profile, accounting information and Authorizing Officials.

(4) Place Orders – Absent a declaration to the contrary from the Department, the CSAB System(s) shall be the sole means for Customers to request or modify SUNCOM Services. In order to be considered a valid CSA, irrespective of the means of establishing it, a CSA must have a corresponding entry with a unique identification number in the Department electronic repository of CSA data and can only be established with consent from the Authorizing Official. CSAs are initiated through the following:

(a) Direct entry of the associated data into the SUNCOM CSAB System(s) by the Authorizing Official.

(b) Agreements between the Department staff and the Customer to establish CSAs on behalf of the Customer.

(c) Electronic insertion of CSA data into the Department’s electronic repository of CSA data with consent from the Customer and the Department.

(5) Monitor Statuses and Inventories – All Customers are responsible for monitoring events and accessible inventories in the CSAB System(s) related to the Customer account(s) and services.

(6) Audit Invoices – Each Customer shall be solely responsible for auditing invoices to the Customer against the CSA data and ensuring that billings reflect the correct inventory and correct service charges, in accordance with SUNCOM prices, for the invoicing period.

(7) Adapt to System Enhancements – The Customer is responsible for keeping abreast of enhancements to and announcements regarding the CSAB System(s) and changing Customer processes in accordance with the changes to the CSAB System(s).

(8) Acknowledge the Primacy of CSAB Data – Because the CSAB System(s) is the foundation of the SUNCOM inventory of services consumed by SUNCOM Customers (when written agreements with SUNCOM Providers or Customers do not specifically exclude the CSA process) and the basis for invoicing to Customers for services, Customers must make good faith efforts to ensure that the data contained in the system(s) is accurate and presuppose its validity.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.10 FS. History–New _____.

60FF-2.003 Communications Service Provider Responsibilities in Order Process.

The Communications Service Provider’s and SUNCOM Service Provider’s responsibilities in the order process shall be as follows:

(1) Accept the CSAB System(s) as the Means for Processing Service Requests – In all instances where agreements between the Department and SUNCOM Providers do not specifically exclude the CSA process, SUNCOM Providers shall accept CSA data from the CSAB Systems(s) as the basis for processing requests from the Department and SUNCOM Customers, and shall recognize the CSA data as the State’s acknowledgement of its payment obligations.

(a) Any services originating from a CSA order shall be satisfied with a SUNCOM service if a corresponding SUNCOM service exists irrespective of any of the choices made by the Authorizing Official.

(b) SUNCOM Providers shall not accommodate or satisfy requests for SUNCOM Services from entities that are not Eligible Users.

(c) Communications Service Providers shall not accommodate or satisfy requests from Required Users for Network Equipment, Network Services or Network Software outside the CSA or Exemption Request processes unless an exception is explicitly granted by the Department or specified through an agreement between the Department and the Provider.

(d) SUNCOM Providers shall not accommodate or satisfy requests for SUNCOM Services from Eligible Users outside the CSA process unless an exception is explicitly granted by the Department or specified through an agreement between the Department and the Provider.

1. If a SUNCOM Provider has been granted an exception to allow selling SUNCOM Services outside of the CSA process, the SUNCOM Provider will supply substantiating detail of said sales using the same standards as outlined in paragraph 60FF-2.007(2)(b), F.A.C.

(e) SUNCOM Providers shall not usurp processes or service request procedures intrinsic to the CSAB System(s) unless specifically authorized by the Department in writing.

1. The Department shall grant exceptions to the CSA and billing processes through contractual terms when the nature of the service or the limitation of SUNCOM’s current ability to accommodate the service through these processes require such exceptions in order to make the service available. However, the Department and the SUNCOM Provider shall commit to efforts to eliminate these exceptional conditions.

2. The Department shall grant other exceptions to the CSA process only when the need for a service constitutes an emergency as determined by a Department employee.

(2) Update the CSAB System(s) Accurately and Expeditiously – SUNCOM Providers shall use the CSAB System(s) or exchange data with the CSAB System(s) in

accordance with the Department data exchange standards, to expeditiously and accurately update status information regarding the SUNCOM Provider's efforts to satisfy a request.

(3)(a) Acknowledge the Primacy of CSA Data – Because the CSAB System(s) is the foundation of the SUNCOM inventory of services obtained from SUNCOM Providers and services consumed by SUNCOM Customers (when agreements with SUNCOM Providers do not specifically exclude the CSA process) and the basis for invoicing SUNCOM Customers, SUNCOM Providers must make good faith efforts to ensure that the data contained in the system is accurate and presuppose its validity.

(b) Absent clear evidence to the contrary, disputes regarding whether or not a compensable service has been rendered shall be determined by the existence of data in the CSAB System(s). This data shall verify that a CSA request had been issued and a compensable service had been rendered for the period corresponding to a SUNCOM Provider's claim in order for the SUNCOM Provider to receive the associated payment.

(4) Fostering and Adapting to Enhancements to the CSAB System(s) – SUNCOM Providers are responsible for assisting the Department in efforts to enhance the system and changing SUNCOM Providers' processes to facilitate enhancements.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60FF-2.004 The Department's Responsibilities in Order Process.

The Department's responsibilities in the Order Process shall be as follows:

(1) Maintain the CSAB System(s) – The Department shall ensure the availability of the system to Customers and SUNCOM Providers in a manner consistent with the standard business needs of the Customer and SUNCOM Providers.

(2) Enhance the CSAB System(s) – The Department shall engage in continuous efforts, in partnerships with Customers and SUNCOM Providers, to enhance the CSAB System(s) to improve usability and enhance functionality.

(3) Inform the Customer – The Department shall expeditiously and thoroughly inform users of the CSAB System(s) of impending changes to functionality and interfaces for the purpose of enabling users to adjust their business processes accordingly and retain effectiveness when using the system(s).

(4) Train the Customer – The Department shall provide training to users of the CSAB System(s) pertaining to its functionality and the business processes intrinsic to the system(s) and the CSA and billing processes.

(5) Modify and Approve Customer Requests – In instances where the business process requires it, the Department shall expeditiously review CSA requests from Customers, modify

them where appropriate, satisfy them or process them for satisfaction by another party or reject the CSA after communicating with the Authorizing Official regarding the reason.

(6) Acknowledge the Primacy of CSA Data – Because the CSAB System(s) is the foundation of the SUNCOM inventory of services obtained from SUNCOM Providers and services consumed by SUNCOM Customers (when agreements with SUNCOM Providers do not specifically exclude the CSA process) and the basis for invoicing provided to Customers for services, the Department must make good faith efforts to ensure that the data contained in the system is accurate and presuppose its validity.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60FF-2.005 SUNCOM Charges to Customers.

(1) The Department provides SUNCOM invoices and invoicing detail to Customers electronically through the secure Web site: <http://suncombilling.myflorida.com>.

(2) Payment Processes –

(a) To properly satisfy an invoice the Customer must provide complete information with the payment that is sufficient to ensure that the Department receives the credits and they are attributable to the correct invoice.

(b) Customers who properly satisfy the invoice through the State accounting system (with a Journal Transfer) need not provide any other documentation to the Department.

(c) Customers who properly satisfy the invoice through other electronic methods established by the State Chief Financial Officer need not provide any other documentation to the Department.

(d) Customers properly satisfying the invoice via any other means shall send one copy of the summary element with the payment to the Department of Management Services, Bureau of Financial Management, Post Office Box 5438, Tallahassee, Florida 32399-5438.

(3) The entire amount of the bill is due within 30 days of the invoice date printed on the invoice.

(a) Non-payment of the bill within 31 days shall result in a notice of nonpayment describing potential consequences of failure to make a timely payment.

(b) Non-payment of the bill within 60 days shall result in a second notice of nonpayment warning the Customer that the recurring service associated with the charge shall be terminated if payment is not processed within 90 days from the date the invoice was issued.

(c) Non-payment of the bill within 90 days shall result in a third notice of nonpayment warning the Customer that the recurring service associated with the charge may be terminated immediately.

(d) Non-payment of the bill within 120 days shall result in a fourth notice of nonpayment warning the Customer that all of the recurring services provided to the Customer by SUNCOM may be terminated immediately.

(4) Disputing Charges – If the Customer disputes any of the charges on a SUNCOM invoice, the Customer shall submit a “charge dispute” via electronic mail to the following address: SUNCOMInv@dms.myflorida.com.

(a) The electronic mail shall contain the following:

1. The phrase “Charge Dispute-Invoice Number” followed by the name of the Customer in the subject line of the electronic mail.

2. A detailed description of the dispute. The simplest and most effective description shall cite CSA data that indicates that the charge is unwarranted. Absent CSA data that supports the Customer’s claim, the description shall cite other documentation and provide a thorough rationale for the claim including an explanation regarding why the CSA data does not support the claim.

3. Supporting attachments.

(b) In spite of the Customer’s dispute of (a portion of the) charges, the Customer shall pay the entire invoice and await resolution of the dispute and a subsequent credit from the Department.

1. However, if the disputed charge constitutes an onerous obligation for the Customer and the Customer has a good faith belief that the charge is unwarranted; the Customer may withhold payment for the corresponding portion of the charge that is in dispute. If the Customer chooses to exercise this option, the Customer shall include a statement akin to the following in their charge dispute: “Because this disputed charge constitutes an onerous cost and the Customer is confident that the disputed charge is unwarranted, the Customer is withholding payment for the portion of the invoice related to the disputed charge.”

2. The Customer shall never withhold payment for charges that are unrelated to the specific charge that is disputed. If an invoice includes disputed charges, the Customer must satisfy the invoice for an amount equal to the portion of the invoice that is not disputed.

(c) Barring prohibitively complicated factors, the Department shall resolve the disputed charge within two billing cycles from the date of the charge notification.

1. If the Department concurs with the Customer, the Department shall inform the Customer via a reply to the charge dispute via electronic mail and issue a credit for the amount of the dispute on the next amendable invoice.

2. If the Department does not concur with the Customer, the Department shall inform the Customer and provide the rationale for its conclusion in a reply to the charge dispute via electronic mail.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History–New _____.

60FF-2.006 SUNCOM Provider Billing to the Department.

Barring the exceptions for contract terms described below, all of the following conditions apply to invoicing from SUNCOM Providers.

(1) SUNCOM Providers shall invoice the Department for all SUNCOM Services provided to SUNCOM and SUNCOM Customers.

(2) The Department shall invoice all SUNCOM Customers for all SUNCOM Services rendered.

(3) The Department shall pay SUNCOM Providers lump sums on behalf of all SUNCOM Customers for the entire amount of legitimate charges regardless of the payment status of SUNCOM Customers.

(a) The Department shall solely determine when services shall be terminated to SUNCOM Customers for nonpayment in accordance with subsection 60FF-2.005(3), F.A.C.

(4) The SUNCOM Provider must make good faith efforts to render charges to the Department and SUNCOM Customers accurately.

1. Based upon a commensurate commitment from each SUNCOM Provider and the Department’s judgment that the SUNCOM Provider has made a good faith effort to invoice accurately, the Department shall choose “other remedy of the error” rather than request “a corrected invoice” as described in Section 215.422(3)(b), F.S., to reconcile invoicing errors. These remedies shall include use of Generally Accepted Accounting principles to identify errors and process credits.

(5) The SUNCOM Provider shall supply an unchangeable hand bill showing the official charge to the Department.

(a) Through written agreement with the Department, the hand bill may consist of unchangeable electronic data.

(6) The SUNCOM Provider shall electronically supply detail substantiating the invoice.

(a) When totaled, the substantiating detail must match and validate the hand bill and provide a thorough source of auditing and reconciling the basis for charges from SUNCOM Providers.

(b) The electronic files containing the substantiating detail must include sufficient data to enable the Department to render invoices to SUNCOM Customers for their proportionate usage of the SUNCOM Services. That data must include: CSA number, Customer name and account codes, item, and amount of item. All other billing elements must be included as defined by the contract between the Department and the SUNCOM Provider, such as billing date, interval billed, and service specific detail.

(c) The substantiating detail must be provided using an Electronic Data Interchange format established by the Department and sent to the Department address established for that purpose.

(d) Any electronic billing substantiation or detail data supplied by SUNCOM Providers that is not authorized by the Department as the means of accepting electronic substantiating detail data shall be considered supplemental aids to auditing or querying invoicing data and do not comprise official payment obligations or substantiating detail.

(7) The date the invoice is received by the Department or the date the service was rendered, whichever is later, constitutes the billing date used as a basis for determining payment deadlines. Billing dates prior to the time when the associated service is rendered or billable service period is complete have no consequence on the Department's payment obligation.

(8) Conflicting or mutually exclusive methods of billing to and collections from SUNCOM Customers is prohibited.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History--New _____.

60FF-2.007 SUNCOM Provider Billing Directly to Customers.

(1) The SUNCOM Provider must be granted authority through its written contract with the Department in order to invoice SUNCOM Customers directly for SUNCOM Services.

(2) When the SUNCOM Provider invoices SUNCOM Customers directly:

(a) The SUNCOM Provider must make good faith efforts to render accurate charges to SUNCOM Customers.

(b) The SUNCOM Provider shall electronically supply to the Department complete and accurate detail substantiating all of the charges to SUNCOM Customers.

1. When totaled, the substantiating detail must validate the invoices to Customers and provide a thorough source of auditing and reconciling the basis for charges from SUNCOM Providers by including sufficient data to enable the Department to determine proportionate usage of the SUNCOM Customers.

2. Absent contract provisions with the Department that establish formats and exchange methods for the electronic substantiating detail file, the file must be provided using an Electronic Data Interchange format established by the Department and sent to the Department address established for that purpose.

3. The Department is not obligated to provide the Customer copies of invoices or substantiation on behalf of the SUNCOM Provider. If the Department chooses to do so, it shall not be as a part of a normal practice, and any such data that the Department provides shall not constitute official obligations of the State.

(3) The Department has no obligation to assume payable commitments on behalf of SUNCOM or SUNCOM Customers in instances where a vendor or SUNCOM Provider submitted an invoice directly to a SUNCOM Customer. If the Department chooses to assume such commitments, it shall only do so if and after the Customer has made the associated payment to the Department.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charles Ghini, Director of Telecommunications and Wireless, and Michael Kyvik, Chief of Operations, Communications and Information Technology Services (CITS)

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Terry Kester, Deputy Secretary, Communications and Information Technology Services (CITS)

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2007

DEPARTMENT OF MANAGEMENT SERVICES

Communications and Information Technology Services

RULE NOS.:	RULE TITLES:
60FF-3.001	Customer Access to State Long Distance Communications System
60FF-3.002	Modifications, Additions, Reductions or Terminations to Existing SUNCOM Service Initiated by a Customer
60FF-3.003	Additions or Modifications, Reductions or Terminations to Existing SUNCOM Service Initiated by the Department
60FF-3.004	Network Protection Standards for State Network
60FF-3.005	Security Breach Protection Provisions Required for Department Approved Use of Third Party Network Equipment, Services and Software
60FF-3.006	Department Response to System Failures and Security Breaches
60FF-3.007	SUNCOM Cost Recovery for System Failures and Security Breaches Caused by Third Parties
60FF-3.008	Management and Distribution of State Numbers and Addresses
60FF-3.009	Delegation to the Department of Education
60FF-3.010	Florida State Government Listings

PURPOSE AND EFFECT: Because SUNCOM was a component of the State Technology Office (STO), the elimination of the STO left SUNCOM without rules. These proposed rules reestablish SUNCOM rules with significant and fundamental changes because of changes to Statutes, technology and deregulation of the telecommunications industry that were not accounted for in the STO rules.

SUMMARY: These proposed rules state that SUNCOM reserves the right to choose the best method of access to long distance for Customers (based on economic considerations and available technology); establish criteria and means for customers to modify or terminate their use of existing SUNCOM services; establish criteria and means for SUNCOM to modify or terminate existing SUNCOM services. These proposed rules also add SUNCOM security requirements which includes descriptions of security principles that will be followed on the network, how SUNCOM will handle security breaches and customer responsibilities when purchasing non-SUNCOM network equipment, software or services (this includes requiring vendors to assume some liability for damages to SUNCOM and/or its customers from the security breaches they cause). These proposed rules also establish SUNCOM as owner, distributor and delegator of State telephone numbers and electronic addresses; describes State Government Listings process; and delegates authority for public/educational broadcasting to the Department of Education.

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

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

SPECIFIC AUTHORITY: 282.102 (9) FS.

LAW IMPLEMENTED: 282.102, 282.103, 282.104, 282.105, 282.106, 282.107 FS.

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

DATES AND TIMES: January 28, 2008, 1:00 p.m.; February 7, 2008, 9:00 a.m.; February 20, 2008, 9:00 a.m.

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Carolyn Mason, Department of Management Services, Communications and Information Technology, 4030 Esplanade Way, Suite 125K, Tallahassee, FL 32309; Carolyn.mason@dms.myflorida.com or telephone (850)922-7503

Interested parties are encouraged to obtain electronic copies of these proposed rules via an electronic mail request to Carolyn Mason and send Ms. Mason specific excerpts with clearly

identifiable suggestions on how the proposed wording can be improved (i.e. using underline and strike through to signify suggested changes). All parties providing such suggestions should include information identifying themselves and the organization they represent with contact information.

THE FULL TEXT OF THE PROPOSED RULES IS:

STATE NETWORK USAGE AND SECURITY POLICIES

60FF-3.001 Customer Access to State Long Distance Communications System.

The Department of Management Services (the Department) reserves the right to select the most economical method of access for Long Distance Customers, based on the volume of minutes used monthly by the Customer, the cost to provide access from the Customer to the State Network, and the available technology.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—New _____.

60FF-3.002 Modifications, Additions, Reductions or Terminations to Existing SUNCOM Service Initiated by a Customer.

The Customer of a SUNCOM Service is required to adhere to the appropriate technical specifications and procedures associated with the applicable service, as outlined in the Portfolio of Services. To obtain approval for any modifications, additions, reductions, or terminations of SUNCOM Services, the Customer shall follow the Customer Service Authorization (CSA) process, as described in Chapter 60FF-2, F.A.C., at least 45 days in advance of the requested effective date. Failure to provide notification for the termination or modification of a service in the Communications Service Authorization and Billing System (CSAB System) within the required time frame shall result in continued charges for the existing service.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—New _____.

60FF-3.003 Additions or Modifications, Reductions or Terminations to Existing SUNCOM Service Initiated by the Department.

(1) The Department shall initiate changes or terminate a Customer's SUNCOM service based on any of the following reasons:

(a) Discontinuation of a service offering by the Department.

(b) Lack of usage of the service by the Customer.

(c) The provision of the service is not a cost-effective solution for the Customer, the Department or the State.

(d) A change to the service is required to maintain its compliance with appropriate technical specifications and procedures as outlined in the Portfolio of Services.

(e) A change to the service is required because the service offering has changed.

(f) The SUNCOM Provider supplying the service has changed.

(g) Violation of a security standard, as specified in Rules 60FF-3.004-.006, F.A.C.

(h) The Customer is no longer eligible for SUNCOM Services in accordance with Sections 282.103-.107, F.S.

(i) The Customer fails to pay for SUNCOM Services as described in subsection 60FF-2.003(4), F.A.C.

(2) When a change to a Customer's service is required, the Department shall notify the Customer of required changes to the Customer's service. If the Customer disputes the basis for the change or wishes to request an extension, the Customer shall respond within 30 days from such notice, with a written request to justify why the Department should not make the proposed change to the Customer's service.

(a) If the Department denies the request, the Department shall enter the change into the CSAB System on behalf of the Customer and provide notification of its action to the Customer.

(b) If no response from the Customer is received by the Department within the 30-day period, the Department shall enter the change into the CSAB System on behalf of the Customer and provide notification of its action to the Customer.

Specific Authority 282.102(9) FS, Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS, History--New _____.

60FF-3.004 Network Protection Standards for State Network.

To protect the integrity of state communications services, Customers shall adhere to the following security specifications and directives:

(1) Any configurations of Network Equipment, Network Software or Communications Devices that allow for Unauthorized Activity are prohibited.

(2) The Department prohibits configurations which directly or indirectly circumvent the State firewall creating Backdoor Connections without SUNCOM managed or sanctioned filtering.

(3) The Department prohibits configurations creating non-SUNCOM managed Virtual Connections, tunnels (encrypted and non-encrypted) or remote access Connections to or from the State Intranet directly or indirectly circumventing the State firewall.

(4) Any inbound or outbound connectivity to the State Intranet via Virtual Connections, tunnels (encrypted and non-encrypted) or remote access shall be registered by the

Customer with the Department. To register, Customers shall adhere to Rule 60FF-1.004 or 60FF-1.0011, F.A.C., (depending upon its required usage status) by submitting an Exemption Request (for Required Users) or Clearance Request (for other Intranet users). A 12 month utilization log shall be maintained by the Customer and made available to the Department upon request.

(5) No scanning tools, Traffic generating stress testing of applications or communications, or network topology discovery tools are allowed to be used on or across the SUNCOM network without written authorization from the Department. Said authorization shall be granted based upon the Department verifying that:

(a) The extent of the activity shall not affect or alarm SUNCOM, its Providers and Customers.

(b) And the activity shall not impair the capacity of SUNCOM circuits to accommodate communications traffic.

(c) And the initiator of the activity shall coordinate the timing and extent of the activity to minimize impact on the State Network and its Customers.

(6) The Information Security Manager, as established by Section 282.318(2)(a), (1), F.S., or the highest level information security official for the Customer, shall work with the Department to ensure that the Customer adheres to the Department's security rules and any SUNCOM service requirement based on the appropriate technical specifications and procedures associated with the applicable service, as outlined in the Portfolio of Services. The Customer's security designee and network administrator are responsible for keeping any Unauthorized Traffic or Connection from traversing the SUNCOM network.

(7) Additional Network Services outside the official SUNCOM offering are subject to the Security Breach Protection provisions stated in Rules 60FF-3.005 through 60FF-3.006, F.A.C., and shall be documented by the Customer, as required in Rule 60FF-1.009, F.A.C., for Required Users or in subsection 60FF-1.011(4), F.A.C., for non-Required Users. This documentation shall be made available to the Department for review upon request.

(8) SUNCOM communication Traffic shall be monitored by the Department for Unauthorized Activity. Violations shall be reported to the Customer having appeared to have facilitated the Unauthorized Activity and/or the appropriate authority with jurisdiction over associated prevention and enforcement. After the Department has notified the Customer, access to the SUNCOM network may be terminated by the Department until any Unauthorized Traffic has been eliminated if the Department believes it could threaten the State Network or its Customers.

(9) The Customer shall provide documentation of network topology and configuration information to the Department during Network Security audits or during resolution or investigation of security incidents.

(10) Customers shall be responsible for resolving all security problems and vulnerabilities defined in these rules for conditions within the Customer's purview and shall cooperate with the Department on SUNCOM resolution efforts for conditions jointly within the purview of the Department and the Customer.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History--New _____.

60FF-3.005 Security Breach Protection Provisions Required for Department Approved Use of Third Party Network Equipment, Services and Software.

All Required Users and Users of the State Intranet shall adhere to these requirements for any purchase or lease of Network Services, Network Software or Network Equipment through means other than SUNCOM Services.

(1) Any procurement solicitation, contract, purchase order or agreement for Network Services, Network Software, Network Equipment through means other than SUNCOM Services must include the following:

(a) This phrase, "The vendor agrees to provide equipment, software and services in accordance with and adherence to Chapters 60FF-1 through 60FF-3 Florida Administrative Code."

(b) A description of the relative amount of liability for System Failures and Security Breaches that shall be assumed by the purchasing entity, the vendor and the Department when the cause of System Failures or Security Breaches are within the shared control of these parties.

(c) This phrase, "The vendor shall assume one hundred percent (100%) liability for System Failures and/or Security Breaches which result from the vendor's failure to properly implement or coordinate implementation (which includes providing due diligent communications with other parties having roles in implementing or accommodating implementation) of the services, equipment or software described in this contract/purchase order/agreement or result from the inherent flaws or limitations of the services, equipment or software described in this contract/purchase order/agreement."

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History--New _____.

60FF-3.006 Department Response to System Failures and Security Breaches.

(1) If there is a Security Breach or System Failure resulting from implementation of Network Services, Network Software or Network Equipment purchased or leased from sources other than SUNCOM by Required Users and Users of the State Intranet, the Department shall take whatever action the Department deems necessary to protect the integrity of the State Network and SUNCOM Customers.

(a) This can include the Department's assumption of exclusive control, through the Department's staff or its vendors, of said Network Services, Network Software, Network Equipment.

(b) And/or this can result in temporary termination of SUNCOM Services to the SUNCOM Customer responsible for said Network Services, Network Software, or Network Equipment.

(2) Government entities and associated vendors that are responsible for any and all said Network Services, Network Software, or Network Equipment shall grant the Department exclusive access to and control of any resources that the Department declares to be related to the failure or breach, remedy thereto and ongoing prevention of recurrence.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History--New _____.

60FF-3.007 SUNCOM Cost Recovery for System Failures and Security Breaches Caused by Third Parties.

If there is a Security Breach or System Failure that affects SUNCOM or any SUNCOM Customer resulting from a breach as described in Rule 60FF-3.005, F.A.C., the providing vendor shall pay the Department liquidated damages in proportion to the vendor's liability share. The amount of the liquidated damages shall be equal to the Department's costs to resolve the breach, repair consequential damages and establish protections to prevent recurrence. The Department's costs shall consist of SUNCOM staff time, any equipment, expenses or vendor charges related to the effort.

(1) SUNCOM Average Hourly Rate shall be the basis for remuneration for SUNCOM staff time which is calculated using the following formula: The total amount of Salary and Benefits appropriated to the budget entity responsible for SUNCOM under the current General Appropriations Act divided by the number of Full Time Equivalent labor hours from the same source (Full Time Equivalent positions times 2,080).

(2) The vendor shall also pay all costs associated with damages experienced by SUNCOM Customers affected by the System Failure or Security Breach in proportion to the vendor's relative liability. The costs associated with said damages shall be calculated in a good faith and equitable manner by each affected SUNCOM Customer.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History--New _____.

60FF-3.008 Management and Distribution of State Numbers and Addresses.

(1) The Department, as the provider of the State Network, shall own, manage and establish standards for the communications addressing, directory services, and the state numbering plans for state communications and the State Network.

(a) This includes distributing and/or authorizing all numbers and addresses to Customers of the network, and delegating management of subsidiary groups of numbers and addresses to Customers of the network.

(2) Telephone numbers and electronic addresses provided by the Department as part of the SUNCOM Service offering belong to the Department and cannot be given to another entity should SUNCOM service be terminated without the Department's expressed written consent.

(3) Required Users shall cooperate with the Department's efforts to carry out these responsibilities and other Customers shall cooperate with such efforts as they relate to the SUNCOM Services purchased by the Customers.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History--New _____.

60FF-3.009 Delegation to the Department of Education.

The authority to acquire, lease, and utilize broadcast communications equipment, facilities, and services is hereby delegated to the Department of Education in the procurement of broadcast equipment, facilities, and services for use by the public and educational broadcast entities licensed by the Federal Communications Commission. The Department of Education shall brief the Department on these delegated activities and shall permit the Department to audit activities delegated herein when the Federal Communications Commission initiates an action related to these delegations or the Department of Education engages in a related procurement process.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (5), (8), (12), 282.103 FS. History--New _____.

60FF-3.010 Florida State Government Listings.

(1) The Department shall provide the State of Florida government listing information for all local commercial directories and coordinate the maintainance of government and personnel listing information on the state government Web site www.411.myflorida.com. The Department shall have final authority regarding State of Florida government listing publishing, format, distribution and standardization for all local commercial directories and on the state government Web site www.411.myflorida.com.

(2) Each Eligible User shall be responsible for submitting updated listing information through means provided by the Department on the state government Web site at www.411.myflorida.com, or by email to help@dms.myflorida.com, or by writing to: Department of Management Services, SUNCOM, Attention: Directory Records Listings Information, 4030 Esplanade Way, Tallahassee, Florida 32399-0950.

(3) Each Eligible User shall pay the expense for its listings in the local commercial telephone directories.

(4) Each Eligible User shall provide to the Department and continually maintain current information regarding primary and secondary contact persons with authority to present data regarding the Eligible User to the Department.

(5) Each Eligible User shall provide and maintain a contact person for escalation and response to complaints or inquiries regarding data respective to the organization and as required by the Florida Customer Service Standards Act, Section 23.30, F.S.

(6) To ensure that all state government listings in local commercial directories and the government and personnel listings on the state government Web site remain current, each Eligible User has a continuing duty to provide updated information to the Department throughout the calendar year. Each Eligible User shall submit notification requesting deletion of listings no longer applicable to the Eligible User concerned.

Specific Authority 282.102(9) FS. Law Implemented 282.103, 282.104, 282.105, 282.106, 282.107 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charles Ghini, Director of Telecommunications and Wireless, and Michael Kyvik, Chief of Operations, Communications and Information Technology Services (CITS)

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Terry Kester, Deputy Secretary, Communications and Information Technology Services (CITS), Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2007

DEPARTMENT OF MANAGEMENT SERVICES

Communications and Information Technology Services

RULE NOS.:	RULE TITLES:
60FF-4.001	Purpose; Definitions
60FF-4.002	SLERS Partner Classifications
60FF-4.003	Application and Approval Process
60FF-4.004	Frequencies and Licenses
60FF-4.005	Talk Groups
60FF-4.006	Security, Encryption Requirements, Radio Programming, and System Key Management
60FF-4.007	Service and Maintenance Priorities

PURPOSE AND EFFECT: The proposed rule provides a process and procedures for application to and approval of new users to the Statewide Law Enforcement Radio System.

SUMMARY: The proposed rule defines categories of users, the application and approval process, frequency and talk groups use, security requirements and service and maintenance priorities.

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

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

SPECIFIC AUTHORITY: 282.106(9) FS.

LAW IMPLEMENTED: 282.1095 FS.

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

DATE AND TIME: January 29, 2008, 1:00 p.m.

PLACE: Department of Management Services, 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399-0950

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 2 days before the workshop/meeting by contacting: Marta McPherson at (850)488-2706. 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 RULES IS: Linda Fuchs, Department of Management Services/CITS, 4030 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-8036

THE FULL TEXT OF THE PROPOSED RULES IS:

FLORIDA STATEWIDE LAW ENFORCEMENT RADIO SYSTEM

60FF-4.001 Purpose: Definitions.

(1) The purpose of this rule chapter is to establish procedures to allow public safety entities, as defined herein, to use the Statewide Law Enforcement Radio System (SLERS). Such use benefits State Law Enforcement and SLERS Partners and facilitates the efficient use of radio spectrum.

(2) The following terms are defined:

(a) Contractor – Entity under contract with the Department of Management Services (the Department) to provide the Statewide Law Enforcement Radio System.

(b) Encryption – Cryptographic transformation of data (“plaintext”) into a form (“cipher-text”) that conceals the data’s original meaning to prevent it from being known or used by unauthorized persons.

(c) First Responder – State, local and Federal law enforcement, fire service and emergency medical agencies.

(d) Interoperability – A communication link within public safety and public service wireless communications systems which permits users from different entities to interact with one another and to exchange information in order to more effectively carry out their assigned missions.

(e) Interoperability Talk Groups – Talk groups established in the radio system for interagency communications within the Statewide Law Enforcement Radio System.

(f) Joint Task Force on State Agency Law Enforcement Communications – The board established in Section. 282.1095, Florida Statutes, to advise the Department on the planning, designing, and establishment of SLERS.

(g) Joint Task Force (JTF) Agency – State law enforcement entities (including ex-officio members) which are members of the Joint Task Force pursuant to Joint Task Force Board approval of applicants’ implementation plans and applicants’ acceptance of Board policies and standard operating procedures.

(h) MHz – Megahertz, or millions of cycles per second (a measure of radio frequency or channel).

(i) Security Manager – The individual appointed by the Joint Task Force on State Agency Law Enforcement Communications to be responsible for the security of the Statewide Law Enforcement Radio System, as well as any Alternate Security Manager or Deputy Security Manager appointed by the Joint Task Force on State Agency Law Enforcement Communications.

(j) Special Conditions – Any terms and conditions in the SLERS Partner Application and Agreement (Form No.DMS-SLERS-1, incorporated by reference in subsection 60FF-4.003(1), F.A.C.) for access to the Statewide Law Enforcement Radio System or written approval of application included to mitigate the impact of the SLERS Partner’s usage on other SLERS users.

(k) State Law Enforcement – Law enforcement agencies of state agencies and state universities.

(l) System Key – An electronic code applied to every radio in the radio system which prevents unauthorized radios from accessing the system.

(m) System Manager – The individual charged by the Department of Management Services with responsibility to manage the contract for the Statewide Law Enforcement Radio System and services.

(n) Talk Group – A logical grouping of radio users as defined in the radio system programming that can communicate together; a radio net.

(3) Other terms shall have their commonly understood meaning.

Specific Authority 282.106(16) FS. Law Implemented 282.1095 FS. History–New _____.

60FF-4.002 SLERS Partner Classifications.

(1) SLERS Partner– Public safety entities, other than Joint Task Force entities, which are eligible under Part 90 of the Federal Communication Commission’s rules to use spectrum allocated for public safety use, to which Contractor provides communications services on SLERS.

(2) SLERS Partners shall be classified as follows:

(a) Local First Responders – Agencies of local government providing law enforcement, fire, and emergency medical services.

(b) Other Public Safety User – Agencies of local government other than First Responders.

(c) Interoperability Users – Government agencies requiring communications with Federal, state, or local government First Responders using the State interoperability talk groups. Interoperability Users use another radio system for their primary radio system; SLERS is a secondary system for these agencies.

(d) State Government Users – Non-JTF User agencies of state government.

(e) Federal Government User – Federal government entities which are authorized by the Department of Management Services pursuant to 47 C.F.R. § 90.179 and the provisions of this rule chapter.

(f) Affiliate User – Personnel that are task-assigned or liaison to a JTF Agency in direct support of the JTF Agency's mission but are not a member of the JTF Agency shall be classified as JTF Agency under this rule chapter, provided that all communication on the system is in direct coordination with the JTF Agency User. Separate internal talk groups set up strictly for the use of a non-JTF Agency shall constitute eligible SLERS Partner use under this rule chapter. Such groups shall be subject to the same eligibility requirements and membership conditions as any SLERS Partner.

Specific Authority 282.106(16) FS. Law Implemented 282.1095 FS. History–New _____.

60FF-4.003 Application and Approval Process.

(1) Agencies wishing to use the Statewide Law Enforcement Radio System shall complete the SLERS Partner Application and Agreement for access to the Statewide Law Enforcement Radio System (Form No.DMS-SLERS-1), which is hereby incorporated by reference and available online at www.myflorida.com or by writing to: Statewide Law Enforcement Radio System, SLERS System Manager, Department of Management Services, 4030 Esplanade Way, Suite 180, Tallahassee, Florida 32399-0950.

(2) Upon receipt of the application, the Department of Management Services will within seven (7) days notify the Contractor that the application has been received. The Contractor will then submit a proposal to the applicant and, upon Contractor and the applicant reaching agreement, submit the proposed agreement to the Department.

(3) The proposed agreement shall contain the terms and conditions; term of subscription; number of radios and users, by phase if a phased implementation; radio coverage requirements; site usage; necessary frequencies and licensing; an overview of equipment including use of encrypted radios; talk group structure including the number of talk groups and use of interoperability talk groups, by phases of

implementation if applicable; overview of network operation, maintenance and reporting; and an analysis of traffic load impact to the system. The proposed agreement must include a proposed Statement of Responsibilities which defines roles and responsibilities of the Contractor, the SLERS Partner and the Department. The proposed agreement shall include a projection of the applicant's growth and impact on the system in terms of additional radio users expected through the year 2020.

(4) After receipt of the proposed agreement, the Department will review it for compliance with Chapter 60FF-4, F.A.C., and for completeness of the information in subsection 60FF-4.003(3), F.A.C. The Department shall review the proposed agreement to confirm that:

(a) The applicant meets the definition of a SLERS Partner in subsection 60FF-4.002(1), F.A.C.;

(b) The proposed use of the system by the applicant use in no way diminishes the State's use of SLERS, other SLERS Partners' use of SLERS and that the proposed use will not cause the hourly average waiting time per call to exceed 0.5 seconds at any site; and

(c) The proposed use of the system by the applicant will not cause degradation to security or existing operations; and

(d) It does not conflict with the applicant's or the State's right to control its FCC licenses.

(5) The Department shall review the proposed agreement within sixty (60) days and provide the Contractor and applicant with recommendations, if any, regarding the proposed agreement and requested changes or additions.

(6) If in response to a proposal the Department requests an applicant to provide radio frequencies for the system, the applicant shall submit with the final proposal a letter to the System Manager listing the frequencies and authorizing their use.

(7) Upon satisfactory review of the proposed or amended agreement, the Department shall present the applicant to the Technical and Standard Operations Procedures Committees of the Joint Task Force on State Agency Law Enforcement Communications, and present the proposed agreement to the Joint Task Force on State Agency Law Enforcement Radio Communications for its comments. If the Department makes recommendations regarding the proposed agreement, the Contractor shall prepare a final proposed agreement and re-submit the proposed agreement to the Department or the Department may specify special conditions as part of its acceptance.

(8) Upon satisfactory completion of the procedures set forth in subsections 60FF-4.003(1)-(7), F.A.C., the Department shall authorize, in writing, SLERS Partner use of the system by the applicant. Such written approval may include special conditions for applicant's use of SLERS.

Specific Authority 282.106(16) FS. Law Implemented 282.1095 FS. History–New _____.

60FF-4.004 Frequencies and Licenses.

(1) SLERS Partners wishing to join the Statewide Law Enforcement Radio System shall contribute FCC-licensed or Florida 800 MHz FCC Region 9 Public Safety Plan Frequencies for use by the Statewide Law Enforcement Radio System during their term of membership. In order to ensure that the Department can be properly licensed by the FCC to incorporate such frequencies into the Statewide Law Enforcement Radio System, such SLERS Partners shall provide the Department with all relevant correspondence or consents demonstrating their agreement to relinquish them to the Department for the period of Statewide Law Enforcement Radio System use. SLERS Partners shall provide at least six (6) months minimum notice of their intent to leave the system before the contributed frequencies will be returned to the user. The Department is authorized, pursuant to Section 282.102(11), F.S., to apply for and obtain the licenses for the use of all such frequencies contributed to the system.

(2) In the case of Federal users and State Government Users wishing to join the Statewide Law Enforcement Radio System but having no frequencies, the Department may require the subscriber to utilize dual band 700/800 MHz radios to supplement the Statewide Law Enforcement Radio System by accessing available frequency bands or to specify other Special Conditions for the subscriber in order to avoid system usage that would cause the average waiting time per call to exceed 0.5 seconds at a site on the Statewide Law Enforcement Radio System.

(3) Interoperability Users will be exempted from the requirement to provide frequencies if the Department determines through an engineering evaluation that the subscriber will have a negligible negative impact on the Statewide Law Enforcement Radio System.

Specific Authority 282.106(16) FS. Law Implemented 282.1095 FS. History--New _____.

60FF-4.005 Talk Groups.

(1) The Department and SLERS Partner applicants shall work with the Contractor to devise a talk group structure that makes efficient use of available channels and meets operational needs of JTF agencies and SLERS Partners.

(2) The talk group structure and number of talk groups for each SLERS Partner shall be based on the number of available channels in its primary area of operations. The number of available channels used in planning shall include both the number of channels currently installed and channels that SLERS Partners are contributing.

(3) All First Responders shall have the interoperability talk groups in their radios unless there is an overriding operational or security reason for not including them.

(4) Interoperability Users will be limited to the interoperability talk groups.

Specific Authority 282.106(16) FS. Law Implemented 282.1095 FS. History--New _____.

60FF-4.006 Security, Encryption Requirements, Radio Programming, and System Key Management.

(1) Personnel background checks are required for non-Law Enforcement users who have access to the Interoperability Talk Groups used by State Law Enforcement unless previously conducted by their agencies.

(2) Encryption is required for access to the Interoperability Talk Groups used by State Law Enforcement but is otherwise at the option of the SLERS Partner.

(3) The Department and its contractors shall be responsible for all radio programming for SLERS Partners on the Statewide Law Enforcement Radio System. Distribution of the Encryption System Key (ESK) card shall be at the approval of the SLERS Security Manager.

(4) The Department and its contractors shall be responsible for installing the encryption for Interoperability Talk Groups for SLERS Partners on the Statewide Law Enforcement Radio System. The encryption key shall not be released by State Law Enforcement agencies, the Department and its contractors.

Specific Authority 282.106(16) FS. Law Implemented 282.1095 FS. History--New _____.

60FF-4.007 Service and Maintenance Priorities.

(1) If traffic loading at a site causes queuing of calls such that the busy hour average waiting time per call exceeds 0.5 seconds, the Department, in consultation with the Contractor and system users, is authorized to take measures to restrict system use. Such measures shall include: disabling of individual calling and telephone interconnect calling; patching of talk groups; disabling of talk groups; disallowing the addition of radios to the system; limiting usage to essential traffic only; or partitioning of channels.

(2) Local First Responders will be granted call priorities equivalent to those granted to State Law Enforcement Users. All other SLERS Partners shall have lower call priorities.

(3) In no case shall any SLERS Partner be granted a higher priority for traffic or provided a faster response for maintenance than required for JTF Agency Users of the Statewide Law Enforcement Radio System.

Specific Authority 282.106(16) FS. Law Implemented 282.1095 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Charles Ghini

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Terry L. Kester

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 26, 2007

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 ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-814.100	Intent, Findings, Basis of Standards, and Research Needs
62-814.300	General Technical Requirements
62-814.450	Electric and Magnetic Field Standards

PURPOSE AND EFFECT: Implementation of Sections 403.061(30) and 403.523(10), F.S.

SUMMARY: The Department of Environmental Protection is authorized to regulate electric and magnetic fields (EMF) from transmission lines as indicated in Florida Statute 403.061(30). The rule implementing the statute is outdated and requires updates in the following three areas, addressed in this proposed rule: (1) The elimination of a rule exemption for a specific transmission line which was never actually constructed; (2) The inclusion of standards for transmission lines with voltages above 500,000 volts; and (3) The elimination of an annual review and report on the state of science with respect to electromagnetic fields.

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

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

SPECIFIC AUTHORITY: 403.061(7), 403.523(1) FS.

LAW IMPLEMENTED: 403.061(30), 403.523(14) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Mike Halpin, P.E. at (850)245-8002 or mike.halpin@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-814.100 Intent, Findings, Basis of Standards, and Research Needs.

(1) No change.

(2) Findings. Based on the information available to the Department, the Department makes the following general findings:

(a) The Department has reviewed the present scientific data on the potential for health effects of electric and magnetic fields. The Department has also reviewed data on the existing or potential electric and magnetic field levels near electrical transmission and distribution lines and substations in Florida. Although there is no conclusive evidence that there is any danger or hazard to public health at the levels of existing 60 hertz electric and magnetic fields found in Florida, there is evidence of biological effects and a potential for adverse health effects on the public. ~~Further research is needed to determine if there are health effects and the exposure levels at which such effects may occur.~~

(b) With respect to 60 hertz EMF, reasonable measures include ~~urging more applied research on the potential adverse human health effects of EMF and EMF mitigation techniques; performing a comprehensive review of the state of the science and submitting annual reports to the Environmental Regulation Commission commencing in 1993; reviewing the provisions of this rule not later than July of 1994; and requiring all new and modified transmission lines and substations to meet standards which are achievable through the use of available EMF reduction technology and measures, but in no case to allow any new or modified transmission line or substation, under normal conditions, to cause electric or magnetic field strengths greater than the highest operating voltage and the maximum current rating (MCR) values for existing transmission lines and substations.~~

(3) No change.

~~(4) Additional Research Needed. Continued research is needed on the potential adverse human health and welfare effects of 60 hertz EMF and EMF mitigation techniques because existing knowledge is inadequate to confidently conclude that no further action is needed.~~

(4)(5) Categories of Electrical Facilities. This chapter sets forth three categories of electrical facilities for regulation in regards to the electric and magnetic fields associated with these facilities.

(a) The first category is for existing electrical facilities on which construction was commenced prior to March 21, 1989, and new distribution lines. These facilities will be allowed to operate in accordance with subsection 62-814.400(2), F.A.C.

(b) The second category of electrical facilities is for those which were certified pursuant to Chapter 403, Part Two, Florida Statutes, after April 15, 1988, but before March 21, 1989. These facilities will be subject to specific standards moderated by the individual circumstances of the facility.

(c) The third category is for new transmission lines and substations the construction of which commenced after March 21, 1989.

(5)(6) Effect of Rule. The effect of this chapter is to establish requirements to reasonably protect the public health and welfare from electric and magnetic fields associated with electrical transmission lines, distribution lines and substations.

Specific Authority 403.061(7), 403.523(1) FS. Law Implemented 403.061(30), 403.523(14) FS. History—New 3-21-89, Amended 1-7-93; Formerly 17-274.100, Formerly 17-814.100, Amended _____.

62-814.300 General Technical Requirements.

(1) through (2) No change.

~~(3) Copies of the publications listed in subsection (2) are available for inspection at the Department's Information Center, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400.~~

Specific Authority 403.061(7), 403.523(1) FS. Law Implemented 403.061(30), 403.523(14) FS. History—New 3-21-89, Amended 1-7-93, Formerly 17-274.300, Formerly 17-814.300, Amended _____.

62-814.450 Electric and Magnetic Field Standards.

(1) No change.

~~(2) Transmission lines certified pursuant to Chapter 403, Part Two, Florida Statutes, after April 15, 1988, and prior to March 21, 1989.~~

~~(a) For the Lake Tarpon—Kathleen transmission line where the ROW width is 100 feet:~~

~~1. The maximum electric field at the edge of the ROW shall not exceed 1.56 kV/m and on the ROW shall not exceed 8.94 kV/m.~~

~~2. The peak daily magnetic field at the edge of the ROW shall be limited to 35 milliGauss under normal load conditions. Under load conditions in excess of 500 MW, the peak daily magnetic field shall be limited to 229 milliGauss. Load conditions in excess of 500 MW shall occur for no more than 15 hours in any given year, except for non-permanent load conditions caused by malfunction or maintenance outages in the transmission grid or generation facilities within or outside of Florida. Florida Power Corporation shall report annually to the Department the amount of time during which the 500 MW normal load condition was exceeded.~~

~~(b) For the Lake Tarpon—Kathleen transmission line where the ROW width is 190 feet:~~

~~1. The maximum electric field at the edge of the ROW shall not exceed 1.90 kV/m and on the ROW shall not exceed 8.80 kV/m.~~

~~2. The peak daily magnetic field at the edge of the ROW shall be limited to 24 milliGauss under normal load conditions. Under load conditions in excess of 500 MW, the peak daily magnetic field shall be limited to 154 milliGauss. Load conditions in excess of 500 MW shall occur for no more than 15 hours in any given year, except for non-permanent load conditions caused by malfunction or maintenance outages in the transmission grid or generation facilities within or outside~~

~~of Florida. Florida Power Corporation shall report annually to the Department the amount of time during which the 500 MW normal load condition was exceeded.~~

~~(2)(3) New transmission lines and substations.~~

~~(a) The maximum electric field at the edge of the transmission line ROW containing a 500 kV nominal voltage or less transmission line or at the property boundary of a new substation containing facilities operating at these voltages shall not exceed 2.00 kV/m.~~

~~(b) The maximum electric field at the edge of the transmission line ROW for a line with a nominal voltage greater than 500 kV or at the property boundary of a new substation containing facilities operating at these voltages shall not exceed 5.50 kV/m.~~

~~(c)(b) The maximum electric field on the ROW of a 230 kV or smaller transmission line shall not exceed 8 kV/m.~~

~~(d)(e) The maximum electric field on the ROW of a 500 kV transmission line with a nominal voltage greater than 230 kV and up to 500 kV shall not exceed 10 kV/m.~~

~~(e) The maximum electric field on the ROW of a transmission line greater than 500 kV shall not exceed 15 kV/m.~~

~~(f)(d) The maximum magnetic field at the edge of a 230 kV or smaller transmission line ROW or at the property boundary of a new substation serving such lines shall not exceed 150 milliGauss.~~

~~(g)(e) The maximum magnetic field at the edge of the transmission line ROW for a transmission line with a nominal voltage greater than 230 kV and up to 500 kV ~~500 kV line~~ or at the property boundary of a new substation containing facilities operating at these voltages ~~serving a 500 kV line~~ shall not exceed 200 milliGauss, except for double circuit 500 kV lines to be constructed on ROWs existing on March 21, 1989, as identified below where the limit will be 250 milliGauss.~~

~~(h) The maximum magnetic field at the edge of the transmission line ROW for a transmission line with a nominal voltage greater than 500 kV or at the property boundary of a new substation containing facilities operating at these voltages shall not exceed 250 milliGauss.~~

~~(i)(f) For existing ROWs extending from the Andytown substation to the Orange River substation, Andytown substation to the Martin Generating Plant, and the Martin Generating Plant to the Midway substation, where the facility owner has acquired, prior to March 21, 1989, a ROW sufficiently wide for two or more 500 kV transmission lines and has constructed one or more 500 kV transmission lines on this ROW prior to March 21, 1989, the maximum magnetic field at the edge of the ROW or property boundary of a new or modified substation shall not exceed 250 milliGauss.~~

Table of New Transmission Line and Substation Standards			
KV Rating	Property Boundary of new Substation	Edge of Transmission Line Right-of-Way	On the Transmission Line Right-of-Way
<=230 kV	2.00 kV/m & 150 milliGauss	2.00 kV/m & 150 milliGauss	8 kV/m
<=500 kV and > 230 kV	2.00 kV/m & 200 milliGauss [1]	2.00 kV/m & 200 milliGauss [1]	10 kV/m
>500 kV	2.00 kV/m & 250 milliGauss	2.00 kV/m & 250 milliGauss	15 kV/m

Footnote 1: Except as provided in paragraphs (2)(g) and (2)(i).

Specific Authority 403.061(7), 403.523(1) FS. Law Implemented 403.061(30), 403.523(14) FS. History–New 3-21-89, Amended 1-7-93, Formerly 17-274.450, Formerly 17-814.450, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Halpin
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeremy Susac
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 12, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2007

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-25.340 RULE TITLE: Meetings and Workshops
 PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the name of the national association of the Boards of Pharmacy.
 SUMMARY: The rule amendment will clarify the name of the national association of the Boards of Pharmacy.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.
 Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
 SPECIFIC AUTHORITY: 456.011(4) FS.
 LAW IMPLEMENTED: 456.011(4) FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-25.340 Meetings and Workshops.

The following are considered to be official meetings of the Board:

(1) through (8) No change.

(9) All participation in Board authorized meetings with professional associations of which the Board is a member or invitee. This would include all meetings of the National Associations of Boards of Pharmacy of which the Board is a member as well as Board authorized participation in meetings of national or professional associations or organizations involved in educating, regulating and reviewing the profession over which the Board has statutory authority.

(10) No change.

Specific Authority 456.011(4) FS. Law Implemented 456.011(4) FS. History–New 9-30-81, Amended 11-13-81, 12-31-81, Formerly 21S-10.05, 21S-10.005, Amended 7-30-91, Formerly 21S-25.340, 61F10-25.340, 59X-25.340, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2007

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.203 RULE TITLE: Licensure by Examination; Application
 PURPOSE AND EFFECT: The Board proposes the rule amendment to remove the requirement for applicants by examination to have completed an HIV/AIDS course as part of the application.
 SUMMARY: The requirement for applicants by examination to have completed an HIV/AIDS course as part of the application will be removed from the rule.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.033, 465.005 FS.

LAW IMPLEMENTED: 456.013(1), (7), 456.025(3), 456.033, 465.007, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.203 Licensure by Examination; Application.

Applicants who are at least 18 years of age and a recipient of a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Offices of Education may apply to take the licensure examination.

(1) No change.

(2) The applicant must submit proof of having met the following requirements:

(a) No change.

~~(b) Completion of an HIV/AIDS course of no less than 3 contact hours covering the subject listed in Rule 64B16-26.602, F.A.C. For those applicants who apply within one year following receipt of their pharmacy degree, completed academic course work on HIV/AIDS will be accepted by the Board as an education course under this section, provided such course work is no less than 3 contact hours and that it covers the subjects listed in Rule 64B16-26.601, F.A.C., as evidenced by a letter attesting to subject matter covered from the Dean of the University.~~

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

(3) through (4) No change.

Specific Authority 456.033, 465.005 FS. Law Implemented 456.013(1), (7), 456.025(3), 456.033, 465.007, 465.022 FS. History—New 10-17-79, Formerly 21S-12.04, 21S-12.004, Amended 7-31-91, 10-14-91, Formerly 21S-26.203, 61F10-26.203, Amended 7-1-97, Formerly 59X-26.203, Amended 8-17-99, 10-15-01, 1-2-02, 1-12-03, 1-11-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2007

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.204 RULE TITLE: Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove the requirement for applicants by endorsement to have completed an HIV/AIDS course as part of the application.

SUMMARY: The requirement for applicants by endorsement to have completed an HIV/AIDS course as part of the application will be removed from the rule.

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

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

SPECIFIC AUTHORITY: 456.033, 465.005 FS.

LAW IMPLEMENTED: 456.013(1), (7), 456.033, 465.007, 465.0075, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.204 Licensure by Endorsement.

An applicant for licensure by endorsement must be at least 18 years of age and a recipient of a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Office of Education.

(1) through (2) No change.

(3) The applicant must submit satisfactory proof of completion of the following:

~~(a) A Board approved course of no less than three (3) contact hours on HIV/AIDS covering the subjects set forth in Rule 64B16-26.6011, F.A.C. The course shall be completed no earlier than 12 months prior to application.~~

~~(a)(b)~~ No change.

(4) through (8) No change.

Specific Authority 456.033, 465.005, 465.0075 FS. Law Implemented 456.013(1), 456.033, 465.007, 465.0075, 465.022 FS. History—New 11-8-01, Amended 1-11-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2007

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE NOS.:	RULE TITLES:
66B-1.003	Definitions
66B-1.005	Funds Allocation
66B-1.006	Application Process
66B-1.008	Project Eligibility
66B-1.015	Small-Scale Derelict Vessel Removal Projects

PURPOSE AND EFFECT: The purpose of the proposed rule making is to include the following provisions in the program rule: Clarify the necessary permitting requirements prior to project funding; identify the provisions for land acquisition eligibility; correct the rule language to allow small-scale and derelict vessel applications out of the regular grant cycle; and to revise the provisions of the small-scale derelict vessel removal program.

The effect of the rule development is to implement changes in the administration of the District's Cooperative Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUMMARY: Cooperative Assistance Program rule sections: Definitions, Funds Allocation, Application Process, Project Eligibility and, Small-Scale Derelict Vessel Removal Projects.

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

Any person who wishes to provide information regarding the 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: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(2) 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:

DATE AND TIME: January 22, 2008, 11:00 a.m.

PLACE: The District Office, 1314 Marcinski Road, Jupiter, 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 2 days before the workshop/meeting by contacting: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road,

Jupiter, Florida 33477, Telephone Number: (561)627-3386. 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 RULES IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

THE FULL TEXT OF THE PROPOSED RULES IS:

66B-1.003 Definitions.

The basic terms utilized in this rule are defined as follows:

(1) "APPLICANT" means an eligible state, regional or federal agency submitting an application through this program.

(2) through (7) No change

(8) "ENVIRONMENTAL PERMITS" means those permits, proprietary authorizations, exemptions, or general permits for construction below mean high water line of a navigable waterway required and issued by or on behalf of the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection, and the South Florida or the St. Johns River Water Management Districts or their successors.

(9) through (26) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-2-92, 2-6-97, Formerly 16T-2.003, Amended 5-17-98, 3-21-01, 3-20-03, 3-3-04, 4-21-05, 4-24-06,_____.

66B-1.005 Funds Allocation.

(1) No change.

(2) Project Funding Ratio: All financial assistance and support to eligible state and regional agencies shall require, at minimum, equal matching funds from the project sponsor's own budget, with the exception of public navigation projects that meet the provisions of subsection 66B-1.005(6), F.A.C. land acquisition projects in accordance with subsection 66B-1.005(7) and Rule 66B-1.008, and small-scale spoil island restoration and enhancement projects that meet the provisions of Rule 66B-1.014, F.A.C. Applicant's in-house costs are limited pursuant to paragraph 66B-1.007(1)(c), F.A.C. All financial assistance to seaports shall require equal matching funds. The District shall contribute no more than fifty (50) percent of the state share of the cost of an inlet project. The District shall not contribute funding to both the state and local shares of an inlet management project.

(3) Pre-agreement Expenses: The project sponsor shall not commence work on an approved project element prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Board authorization of pre-agreement expenses will be given for the commencement of work prior to the execution of a project agreement if the Board determines that there is a benefit to the

District, its waterways or its constituents. All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be approved if they are consistent with the provisions of Rule 66B-1.008, F.A.C., and occur within the fiscal year of the grant application submission (October 1st to September 30th). Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be limited to fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only one-half (1/2) or less of the approved pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects. The Board may waive the limitation on pre-agreement expenses for Small-Scale Derelict Vessel grants and land acquisition projects when the applicant demonstrates a direct need and benefit and the project is in accordance with the applicable provisions of Chapter 66B-2, F.A.C.

(4) through (6) No change.

(7) Land Acquisition: All land acquisition projects shall qualify for a maximum of twenty-five (25) percent program funding. All pre-agreement expenses for land acquisition must be completed within one-year of the date of application for funding.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1), (3) FS. History—New 12-17-90, Amended 6-24-93, 9-5-96, 2-6-97, Formerly 16T-2.005, Amended 5-17-98, 8-26-99, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-24-06, _____.

66B-1.006 Application Process.

(1) Application Period: With the exception of eligible Disaster Relief Projects, eligible Small-Scale Spoil Island Restoration and Enhancement Project and eligible Small-Scale Derelict Vessel Applications, all aApplications for assistance through this program will be submitted during the authorized submission period which shall be established by vote of the Board at a scheduled meeting.

(2) through (9) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 2-6-97, Formerly 16T-1.006, Amended 3-5-00, 3-21-01, 7-30-02, 3-20-03, 4-21-05, 4-24-06, _____.

66B-1.008 Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation, public recreation, environmental education, boating safety, acquisition and development of spoil sites ~~and~~ publicly owned commercial/industrial waterway access directly related to the waterways, acquisition and development of public boat ramps, launching facilities and boat docking and

mooring facilities, and inlet management, environmental mitigation and beach renourishment directly related to the waterways.

(a) Program funds may be used for projects such as acquisition planning, development, construction, reconstruction, extension improvement, operation or maintenance of the following for public use on land and water:

1. Public navigation channel dredging;
2. Public navigation aids and markers;
3. Inlet management projects that are a benefit to public navigation in the District;
4. Public shoreline stabilization;
5. Acquisition and development of publicly owned spoil disposal site and public commercial/industrial waterway access;
6. Waterway signs and buoys for safety, regulation or information;
7. Acquisition and development of public boat ramps and launching facilities;
8. Acquisition and development of ~~p~~Public boat docking and mooring facilities;
9. Derelict Vessel Removal;
10. Waterways related environmental education programs and facilities;
11. Public fishing and viewing piers;
12. Public waterfront boardwalks;
13. Waterways boating safety programs and equipment;
14. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and
15. Other waterway related projects.

(b) Ineligible Projects or Project Elements. Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, land acquisition that is not for additional trailer parking at an existing boat ramp, irrigation equipment, ball-courts, park and playground equipment, and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping that does not provide shoreline stabilization or aquatic habitat;
2. Restrooms for non-waterway users;
3. Roadways providing access to non-waterway users;
4. Parking areas for non-waterway users;
5. Utilities for non-waterway related facilities;
6. Lighting for non-waterway related facilities;
7. Maintenance equipment;
8. Picnic shelters and furniture;
9. Vehicles to transport vessels;
10. Operational items such as fuel, oil, etc.;

11. Office space that is not incidental and necessary to the operation of the main eligible public building; and

12. Conceptual project planning, including: public surveys, opinion polls, public meetings, and organizational conferences.

(c) Project Elements with Eligibility Limits. Subject to approval by the Board of an itemized expense list:

1. The following project costs will be eligible for program funding or as matching funding if they are performed by an independent contractor:

a. Project management, administration and inspection;

b. Design, permitting, planning, engineering or surveying costs for completed construction project;

c. Restoration of sites disturbed during the construction of an approved project; and

d. Equipment costs. Before reimbursement is made by the District on any of the costs listed in subparagraph 1. above, a construction contract for the project approved and executed by the project sponsor and project contractor must be submitted to the District.

2. Marine law enforcement and other vessels are eligible for a maximum of \$30,000 in initial District funding. All future replacement and maintenance costs of the vessel and related equipment will be the responsibility of the applicant.

3. Waterway related environmental education facility funding will be limited to those project elements directly related to the District's waterways.

(d) Phasing of Projects: Applications for eligible waterway projects will be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work will be submitted along with the Phase I application for Board review. Applicants for construction projects that include elements that require state or federal environmental permits will demonstrate that all required environmental permitting and proprietary authorizations will be completed by the District's final TRIM hearing. This demonstration will be by the submission of the required environmental permit(s) or by the submission of a letter from the agency(s) stating that a permit is not required. Should the environmental permitting element of an application for a construction project that includes elements that require state or federal permits or exemptions not be completed by the District's final TRIM hearing, the construction portion of the project will not be considered for funding. The District will not deviate from the funding schedule, whereby funding decisions are completed at the final TRIM hearing, to accommodate any application deficiency.

(2) Property Control: The site of a new proposed land-based development project shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication

shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document. Property shall also be deemed dedicated for public use if:

(a) The property has been designated for the use for which the project is intended (even though there may have been no formal dedication) in a plat or map recorded prior to 1940, or

(b) The project sponsor demonstrates that it has had exclusive control over the property for the public use for which the project is intended for a period of at least 30 years prior to submission of the application, or

(c) There is no ongoing litigation challenging the designated use of the property as shown on the plat or map, nor has there been any judicial determination contrary to the use by the public for the use shown on the plat or map.

(3) Permits: The project sponsor is responsible for obtaining and abiding by any and all federal, state and local permits, laws, proprietary authorizations and regulations in the development of the project.

(4) Public Marina Qualifications: All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten (10%) percent of their slips or mooring areas available for transient vessels. Program funds to public marina projects shall not be utilized for maintenance of the facilities if revenues generated by the facility are not exclusively allocated to the operation, maintenance and improvement of the public marina facility. Certification that revenues generated by a marina facility are exclusively allocated to the operation, maintenance and improvement of the public marine facility will be required to be submitted with the application and, if approved, thereafter on an annual basis using form No. FIND 03-01 (effective date 3-3-04), hereby incorporated by reference and available from the District office.

(5) Final Decisions: The Board will make all final decisions on the eligibility of a project or specific project costs.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 12-17-90, Amended 2-6-97, Formerly 16T-1.008, Amended 5-17-98, 3-31-99, 3-5-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04, 4-24-06,_____.

66B-1.015 Small-Scale Derelict Vessel Removal Projects. Proposals shall be accepted for financial assistance for the removal of derelict vessels within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – Applications shall be submitted on a completed FIND Form No. 05-01 (Small-Scale Derelict Vessel Removal Program) (effective date 4-24-06), and FIND Form No. 01-06 (Small-Scale Derelict Vessel Removal Program – Project Cost Estimate), (effective date 4-24-06), hereby incorporated by reference and available from the District office. Applications may be submitted to the District and considered by the Board at any time during the year.

(2) The District shall only fund applicants that have identified derelict vessels to be removed and have a current bid for removal for such vessels, or have completed the removal of such vessels within the 6 months preceding the application, subject to eligibility under these program rules.

(3) The program must be sponsored by an eligible government agency or not-for-profit organization.

(4) District funding shall be limited to \$20,000 ~~\$10,000-00~~ per county, per year, provided on a reimbursement basis only. The limitation on pre-agreement expenses may be waived by the Board in accordance with subsection 66B-2.005(3), F.A.C.

(5) The eligible applicant must provide the remaining matching funds for project completion. In no case shall the District's cost-share contribution exceed 75% ~~50%~~ of the total project costs. In-house project management or administration costs are not eligible costs or matching costs.

(6) The derelict vessel must be located in the District's Waterways, as defined in Rule 66B-2.003, F.A.C., or immediately adjacent to, the Atlantic Intracoastal Waterway or the Okeechobee Waterway.

(7) The District shall be recognized when possible in all written, audio or video advertising and promotions as a participating sponsor of the program.

(8) The funding provided by the District shall only be allocated for removal of derelict vessels. The District is providing program reimbursement funds only and shall be held harmless with regards to the activities initiated by the applicant.

(9) The applicant shall be responsible for all maintenance, management, disposal and operating expenses associated with the program.

(10) Funds derived from the sale of any derelict vessels or vessel parts removed through this grant program must be reinvested into the applicant's derelict vessel removal program.

(11) The District Board shall make all final decisions concerning the provision of funding for this program.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 4-24-06, Amended 4-15-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2007

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE NOS.:	RULE TITLES:
66B-2.003	Definitions
66B-2.005	Funds Allocation
66B-2.006	Application Process
66B-2.008	Project Eligibility
66B-2.015	Small-Scale Derelict Vessel Removal Projects

PURPOSE AND EFFECT: The purpose of the proposed rule making is to include the following provisions in the program rule: Clarify the necessary permitting requirements prior to project funding; identify the provisions for land acquisition eligibility; correct the rule language to allow small-scale and derelict vessel applications out of the regular grant cycle; and to revise the provisions of the small-scale derelict vessel removal program.

The effect of the rule development is to implement changes in the administration of the District's Waterways Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUMMARY: Waterways Assistance Program rule sections: Definitions, Funds Allocation, Application Process, Project Eligibility and, Small-Scale Derelict Vessel Removal Projects.

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

Any person who wishes to provide information regarding the 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: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) 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:

DATE AND TIME: January 22, 2008, 11:00 a.m.

PLACE: 1314 Marcinski Road, Jupiter, 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 2 days before the workshop/meeting by contacting: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386. 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 RULES IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

THE FULL TEXT OF THE PROPOSED RULES IS:

66B-2.003 Definitions.

The basic terms utilized in this rule are defined as follows:

(1) through (7) No change.

(8) "ENVIRONMENTAL PERMITS" means those permits, proprietary authorizations, exemptions, or general permits for construction below mean high water line of a navigable waterway required and issued by or on behalf of the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection, and the South Florida or the St. Johns River Water Management Districts or their successors.

(9) through (29) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-2-92, 2-6-97, Formerly 16T-2.003, Amended 5-17-98, 3-21-01, 3-20-03, 3-3-04, 4-21-05, 4-24-06,_____.

66B-2.005 Funds Allocation.

(1) No change.

(2) Project Funding Ratio: All financial assistance and support to eligible state and regional agencies shall require, at minimum, equal matching funds from the project sponsor's own budget, with the exception of public navigation projects that meet the provisions of subsection 66B-1.005(6), F.A.C. land acquisition projects in accordance with subsection 66B-1.005(7) and Rule 66B-1.008, and small-scale spoil island restoration and enhancement projects that meet the provisions of Rule 66B-1.014, F.A.C. Applicant's in-house costs are limited pursuant to paragraph 66B-1.007(1)(c), F.A.C. All financial assistance to seaports shall require equal matching funds. The District shall contribute no more than fifty (50) percent of the state share of the cost of an inlet project. The District shall not contribute funding to both the state and local shares of an inlet management project.

(3) Pre-agreement Expenses: The project sponsor shall not commence work on an approved project element prior to the execution of the project agreement unless authorized by the

Board during the review and funding approval process. Board authorization of pre-agreement expenses will be given for the commencement of work prior to the execution of a project agreement if the Board determines that there is a benefit to the District, its waterways or its constituents. All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be approved if they are consistent with the provisions of Rule 66B-1.008, F.A.C., and occur within the fiscal year of the grant application submission (October 1st to September 30th). Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be limited to fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only one-half (1/2) or less of the approved pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects. The Board may waive the limitation on pre-agreement expenses for Small-Scale Derelict Vessel grants and land acquisition projects when the applicant demonstrates a direct need and benefit and the project is in accordance with the applicable provisions of Chapter 66B-2, F.A.C.

(4) through (7) No change.

(8) Land Acquisition: All land acquisition projects shall qualify for a maximum of twenty-five (25) percent program funding. All pre-agreement expenses for land acquisition must be completed within one-year of the date of application for funding.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1), (3) FS. History—New 12-17-90, Amended 6-24-93, 9-5-96, 2-6-97, Formerly 16T-2.005, Amended 5-17-98, 8-26-99, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-24-06,_____.

66B-2.006 Application Process.

(1) Application Period: With the exception of eligible Disaster Relief Projects, eligible Small-Scale Spoil Island Restoration and Enhancement Project and eligible Small-Scale Derelict Vessel Applications, all aApplications for assistance through this program will be submitted during the authorized submission period which shall be established by vote of the Board at a scheduled meeting.

(2) through (9) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 2-6-97, Formerly 16T-1.006, Amended 3-5-00, 3-21-01, 7-30-02, 3-20-03, 4-21-05, 4-24-06,_____.

66B-2.008 Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation, public recreation, environmental education, boating safety, acquisition and development of spoil sites, ~~and~~ publicly owned commercial/industrial waterway access

directly related to the waterways, acquisition and development of public boat ramps, launching facilities and boat docking and mooring facilities, and inlet management, environmental mitigation and beach renourishment directly related to the waterways.

(a) Program funds may be used for projects such as acquisition planning, development, construction, reconstruction, extension improvement, operation or maintenance of the following for public use on land and water:

1. Public navigation channel dredging;
2. Public navigation aids and markers;
3. Inlet management projects that are a benefit to public navigation in the District;
4. Public shoreline stabilization;
5. Acquisition and development of publicly owned spoil disposal site and public commercial/industrial waterway access;
6. Waterway signs and buoys for safety, regulation or information;
7. Acquisition and development of public boat ramps and launching facilities;
8. Acquisition and development of public boat docking and mooring facilities;
9. Derelict Vessel Removal;
10. Waterways related environmental education programs and facilities;
11. Public fishing and viewing piers;
12. Public waterfront boardwalks;
13. Waterways boating safety programs and equipment;
14. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and
15. Other waterway related projects.

(b) Ineligible Projects or Project Elements. Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, land acquisition that is not for additional trailer parking at an existing boat ramp, irrigation equipment, ball-courts, park and playground equipment, and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping that does not provide shoreline stabilization or aquatic habitat;
2. Restrooms for non-waterway users;
3. Roadways providing access to non-waterway users;
4. Parking areas for non-waterway users;
5. Utilities for non-waterway related facilities;
6. Lighting for non-waterway related facilities;
7. Maintenance equipment;
8. Picnic shelters and furniture;
9. Vehicles to transport vessels;

10. Operational items such as fuel, oil, etc.;

11. Office space that is not incidental and necessary to the operation of the main eligible public building; and

12. Conceptual project planning, including: public surveys, opinion polls, public meetings, and organizational conferences.

(c) Project Elements with Eligibility Limits. Subject to approval by the Board of an itemized expense list:

1. The following project costs will be eligible for program funding or as matching funding if they are performed by an independent contractor:

- a. Project management, administration and inspection;
- b. Design, permitting, planning, engineering or surveying costs for completed construction project;
- c. Restoration of sites disturbed during the construction of an approved project; and
- d. Equipment costs.

Before reimbursement is made by the District on any of the costs listed in subparagraph 1. above, a construction contract for the project approved and executed by the project sponsor and project contractor must be submitted to the District.

2. Marine law enforcement and other vessels are eligible for a maximum of \$30,000 in initial District funding. All future replacement and maintenance costs of the vessel and related equipment will be the responsibility of the applicant.

3. Waterway related environmental education facility funding will be limited to those project elements directly related to the District's waterways.

(d) Phasing of Projects: Applications for eligible waterway projects will be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work will be submitted along with the Phase I application for Board review. Applicants for construction projects that include elements that require state or federal environmental permits will demonstrate that all required environmental permitting and proprietary authorizations will be completed by the District's final TRIM hearing. This demonstration will be by the submission of the required environmental permit(s) or by the submission of a letter from the agency(s) stating that a permit is not required. Should the environmental permitting element of an application for a construction project that includes elements that require state or federal permits or exemptions not be completed by the District's final TRIM hearing, the construction portion of the project will not be considered for funding. The District will not deviate from the funding schedule, whereby funding decisions are completed at the final TRIM hearing, to accommodate any application deficiency.

(2) Property Control: The site of a new proposed land-based development project shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication

shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document. Property shall also be deemed dedicated for public use if:

(a) The property has been designated for the use for which the project is intended (even though there may have been no formal dedication) in a plat or map recorded prior to 1940, or

(b) The project sponsor demonstrates that it has had exclusive control over the property for the public use for which the project is intended for a period of at least 30 years prior to submission of the application, or

(c) There is no ongoing litigation challenging the designated use of the property as shown on the plat or map, nor has there been any judicial determination contrary to the use by the public for the use shown on the plat or map.

(3) Permits: The project sponsor is responsible for obtaining and abiding by any and all federal, state and local permits, laws, proprietary authorizations and regulations in the development of the project.

(4) Public Marina Qualifications: All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten (10%) percent of their slips or mooring areas available for transient vessels. Program funds to public marina projects shall not be utilized for maintenance of the facilities if revenues generated by the facility are not exclusively allocated to the operation, maintenance and improvement of the public marina facility. Certification that revenues generated by a marina facility are exclusively allocated to the operation, maintenance and improvement of the public marine facility will be required to be submitted with the application and, if approved, thereafter on an annual basis using form No. FIND 03-01 (effective date 3-3-04), hereby incorporated by reference and available from the District office.

(5) Final Decisions: The Board will make all final decisions on the eligibility of a project or specific project costs.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1)- (3) FS. History—New 12-17-90, Amended 2-6-97, Formerly 16T-1.008, Amended 5-17-98, 3-31-99, 3-5-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04, 4-24-06,_____.

66B-2.015 Small-Scale Derelict Vessel Removal Projects. Proposals shall be accepted for financial assistance for the removal of derelict vessels within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – Applications shall be submitted on a completed FIND Form No. 05-01 (Small-Scale Derelict Vessel Removal Program) (effective date 4-24-06), and FIND Form No. 01-06 (Small-Scale Derelict Vessel Removal Program – Project Cost Estimate), (effective date 4-24-06), hereby incorporated by reference and available from the District office. Applications may be submitted to the District and considered by the Board at any time during the year.

(2) The District shall only fund applicants that have identified derelict vessels to be removed and have a current bid for removal for such vessels, or have completed the removal of such vessels within the 6 months preceding the application, subject to eligibility under these program rules.

(3) The program must be sponsored by an eligible government agency or not-for-profit organization.

(4) District funding shall be limited to \$20,000 ~~\$10,000.00~~ per county, per year, provided on a reimbursement basis only. The limitation on pre-agreement expenses may be waived by the Board in accordance with subsection 66B-2.005(3), F.A.C.

(5) The eligible applicant must provide the remaining matching funds for project completion.

In no case shall the District's cost-share contribution exceed ~~50%~~ 75% of the total project costs. In-house project management or administration costs are not eligible costs or matching costs.

(6) The derelict vessel must be located in the District's Waterways, as defined in Rule 66B-2.003, F.A.C., ~~or immediately adjacent to, the Atlantic Intra-coastal Waterway or the Okeechobee Waterway.~~

(7) The District shall be recognized when possible in all written, audio or video advertising and promotions as a participating sponsor of the program.

(8) The funding provided by the District shall only be allocated for removal of derelict vessels. The District is providing program reimbursement funds only and shall be held harmless with regards to the activities initiated by the applicant.

(9) The applicant shall be responsible for all maintenance, management, disposal and operating expenses associated with the program.

(10) Funds derived from the sale of any derelict vessels or vessel parts removed through this grant program must be reinvested into the applicant's derelict vessel removal program.

(11) The District Board shall make all final decisions concerning the provision of funding for this program.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 4-24-06, Amended 4-15-07.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2007

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NOS.:	RULE TITLES:
5F-2.001	Standards
5F-2.002	Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oil Numbers 1-D and 2-D, and Fuel Oil Numbers 1 and 2
5F-2.003	Registration and Identification
5F-2.005	Inaccurate Measuring Devices
5F-2.014	Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44
5F-2.016	Guidelines for Imposing Administrative Penalties

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 51, December 21, 2007 issue of the Florida Administrative Weekly.

The time and date for the hearing (if requested) was listed incorrectly as:

DATE AND TIME: January 14, 2007, 9:30 a.m. EST on This time and date should have been listed as:

DATE AND TIME: January 14, 2008, 9:30 a.m.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.099822	School Improvement Rating for Alternative Schools

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 45, November 9, 2007 Florida Administrative Weekly has been continued from December 11, 2007 to February 19, 2008.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-2.0010	Educational Facilities

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 45, November 9, 2007 issue of the Florida Administrative Weekly.

The document incorporated by reference within the rule, State Requirements for Educational Facilities” was amended in the following sections:

Section 1.1

(3) Scope of SREF requirements. SREF establishes the requirements for public educational facilities under the Florida School Code and Chapter 1013, Florida Statutes, in particular. ~~Boards must ensure that public educational facilities are in compliance with other applicable state and federal regulations, including but not limited to the Florida Building Code (FBC), Florida Fire Prevention Code (FFPC), Uniform Building Code (which consists of Section 423, FBC, and the FFPC), and the Asbestos Hazard Emergency Response Act (AHERA).~~

Section 1.4

Acquisition and Disposal of Real Property.

(1) Boards, including universities, are authorized to purchase, own, convey, sell, lease, trade, and encumber real property. A board planning to acquire sites, existing facilities, or new facilities, through purchase, gift, lease, lease-purchase, or otherwise, shall comply with all laws, procedures, and requirements pertaining to the appropriation and use of capital outlay funds, including appraisal and/or condemnation procedures.

~~(1) Authority. Boards are authorized to purchase, own, trade, convey, sell, lease, or encumber real property.~~

~~(2) Acquiring Real Property. The purchase of real property by a board shall be in compliance with Sections 1013.14, 1013.36, 1013.40(2) and (3), and 1013.78, F.S. Before acquiring real property, the board shall consider the most economical and practical locations for current and anticipated needs. The board shall coordinate with local, regional, and state governmental agencies to assure compatibility with the comprehensive plan.~~