

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-170.0155
 RULE TITLE: Forms

PURPOSE AND EFFECT: This rule is being amended to adopt revised versions of Office of Insurance Regulation forms OIR-B1-1655, “Notice of Premium Discounts for Hurricane Loss Mitigation”, and OIR-B1-1802, “Uniform Mitigation Verification Inspection Form”. The forms are being revised based on changes to the My Safe Florida Home program and the experience of the Office of Insurance Regulation, insurers and policyholders with the forms since their last revisions in July 2007.

SUBJECT AREA TO BE ADDRESSED: Section 627.711, Florida Statutes, required the Office to develop two forms. The first, OIR-B1-1655, is used by insurers to provide policyholders information about available windstorm mitigation discounts. The second, OIR-B1-1802, is used by home inspectors to verify the presence of windstorm-mitigation features on policyholder’s property so the insurer can calculate appropriate discounts. Because the free inspections and the grants offered by the My Safe Florida Home program are no longer available, form OIR-B1-1655 is being revised to remove references to these programs. Form OIR-B1-1802 is being revised to use terminology commonly used in the construction industry in describing the construction features to be inspected and to require the inspector and homeowner to verify the inspector actually conducted the inspection.

SPECIFIC AUTHORITY: 624.308, 627.711 FS.

LAW IMPLEMENTED: 215.5586, 627.711 FS.

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

DATE AND TIME: December 15, 2008, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Michael Milnes, Bureau of Property and Casualty, Office of Insurance Regulation, E-mail michael.milnes@flair.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Michael Milnes, Bureau of Property and Casualty, Office of Insurance Regulation, E-mail michael.milnes@flair.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69O-170.0155 Forms.

The following forms are hereby adopted and incorporated by reference:

(1)(a) through (j) No change.

(k) OIR-B1-1655, “Notice of Premium Discounts for Hurricane Loss Mitigation,” (Rev. ~~12/08~~ ~~7/07~~).

(l) OIR-B1-1802, “Uniform Mitigation Verification Inspection Form,” (Rev. ~~12/08~~ ~~New 7/07~~).

(m) through (n) No change.

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

Specific Authority 624.308(1), 627.711, 627.736 FS. Law Implemented 215.5586, 624.307(1), 624.424, 627.062, 627.0629, 627.0645, 627.711, 627.736 FS. History–New 6-19-03, Formerly 4-170.0155, Amended 2-23-06, 12-26-06, 6-12-07, 7-17-07, 9-5-07, 3-13-08,_____.

**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.”

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-4.019	Records and Reports in General
25-4.020	Location and Preservation of Records
25-4.022	Complaints
25-4.034	Tariffs
25-4.069	Maintenance of Plant and Equipment
25-4.112	Termination of Service by Customer
25-4.115	Directory Assistance
25-4.117	Toll Free Service
25-4.200	Application and Scope

PURPOSE AND EFFECT: The purposes of the rule amendments and repeals are to simplify, streamline, and clarify the rules. Redundancies among rules are eliminated for simplicity. Some rules concerning tariffs and tariff filings are streamlined by having incumbent local exchange companies’

(ILECs) tariff requirements located in one rule. Some rules are repealed because they are unnecessary, redundant, or obsolete. Docket No. 080641-TP.

SUMMARY: Rule 25-4.019, F.A.C., is repealed because it is unnecessary. Subsection 25-4.019(3), F.A.C., concerning working conditions provided by companies to Commission staff at times when staff makes visits to the companies is reworded and Rule 25-4.020, F.A.C., is amended to include that reworded requirement. Subsection 25-4.022(1), F.A.C., is amended to delete the trouble reports record retention requirements which are redundant of requirements included in subsection 25-4.020(3), F.A.C. Subsection 25-4.022(2), F.A.C., is amended to delete the requirements for responding in writing to customer complaints which are redundant of subsection 25-4.111(1), F.A.C., which requires a company to respond to all complaints within 15 days. Rule 25-4.034, F.A.C., is amended by streamlining and adding to it the rule provisions from Chapter 25-9, F.A.C., which apply to ILECs. Rule 25-4.069, F.A.C., is repealed because it is unnecessary and redundant of Rules 25-4.036 and 25-4.038, F.A.C., which provide more specific requirements related to safe, adequate, and continuous service. Rule 25-4.112, F.A.C., is repealed because it is unnecessary. Rule 25-4.115, F.A.C., is amended to delete subsections (1)(a) and (b), and (2)(b), (c) and (d), which are unnecessary because Rule 25-4.034, F.A.C., requires all rates and charges to be in the ILECs' tariffs. Rule 25-4.117, F.A.C., is amended to include other toll free numbers which have been implemented since the time the rule was adopted. Rule 25-4.200, F.A.C., is repealed as unnecessary because it restates the application and scope language of Section 364.052(2)(b), F.S. None of the rule amendments or repeals are intended to impact in any way wholesale service or the SEEM (Self-Effectuating Enforcement Mechanism) plan, the SEEM metrics or payments, or the type of data that must be collected and analyzed for purposes of the SEEM plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There should be minimal costs to implement the proposed rule amendments. There should be no incremental cost to the Commission. These rule changes would benefit the Commission, small businesses, local governments and customers by having more simple, streamlined, and clarified rules which are more easily understood. There should be no negative impacts on small businesses, small cities, or small counties resulting from these rule changes. The rule amendments and repeals will likely decrease utilities' administrative costs somewhat.

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: 350.127, 364.016, 364.17, 364.18, 364.183, 364.185 FS.

LAW IMPLEMENTED: 364.016, 364.02, 364.025, 364.03, 364.04, 364.051, 364.052, 364.07, 364.08, 364.15, 364.17, 364.18, 364.19, 364.163, 364.183, 364.185, 364.386 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: Kathryn Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULES IS:

25-4.019 Records and Reports in General.

Specific Authority 350.127(2) FS. Law Implemented 364.18, 364.183, 364.386 FS. History—Revised 12-1-68, Amended 5-4-81, Formerly 25-4.19, Repealed.

25-4.020 Location and Preservation of Records.

(1) through (3) No change.

(4) During any audit or review of records, the company shall provide Commission staff with adequate and comfortable working and filing space, consistent with the prevailing conditions and climate, and comparable with the accommodations provided the company's outside auditors.

Specific Authority 350.127(2), 364.016, 364.17, 364.18, 364.183, 364.185 FS. Law Implemented 364.016, 364.17, 364.18, 364.183, 364.185 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.20, Amended 6-23-93, 11-13-95, _____.

25-4.022 Complaints — ~~Trouble Reports, Etc.~~

~~(1) Each telephone company shall maintain for at least six (6) months a record of all signed written complaints made by its subscribers regarding service or errors in billing, as well as a record of each case of trouble or service interruption that is reported to repair service. This record shall include the name and/or address of the subscriber or complainant, the date (and for reported trouble, the time) received, the nature of the complaint, or trouble reported, the result of any investigation, the disposition of the complaint or service problem, and the date (and for reported trouble, the time) of such disposition.~~

~~(2) Each signed letter of complaint shall be acknowledged in writing or by contact by a representative of the company.~~

Specific Authority 350.127(2), 364.17 FS. Law Implemented 364.051, 364.17, 364.183 FS. History—Revised 12-1-68, Formerly 25-4.22, Amended _____.

25-4.034 Tariffs.

(1) Except to the extent otherwise permitted by Section 364.051(5)(a), F.S., e~~Each~~ telecommunications company shall maintain on file with the Commission tariffs which set forth all rates and charges for customer services, the classes and grades

of service available to subscribers, the conditions and circumstances under which service will be furnished, and all general rules and regulations governing the relation of customer and company utility. The rates and charges for contract service arrangements for an individual customer need not be filed where the company's tariff provides a description of the circumstances under which such arrangements are offered for specified tariffed services. Tariff filings shall be in compliance with the requirements of Chapter 25-9, F.A.C., of the Commission rules entitled "Construction and Filing of Tariffs by Public Utilities."

(2) Filing shall mean received by the office of the Division of Regulatory Compliance during normal business hours. Any tariff received by the Division of Regulatory Compliance after 5:00 p.m. shall be considered filed on the next regular business day. All proposed changes to an existing tariff that are submitted by hard copy shall be directed to the Director of the Division of Regulatory Compliance, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850 and shall include an original and two (2) copies of each revised tariff sheet. A letter of transmittal shall accompany each tariff filing, which lists the included sheets, by sheet number and revision level as specified in paragraphs (6)(c)-(e), and gives a brief description of all changes. If acknowledgment of a hard copy filing is desired, the letter of transmittal shall be sent in duplicate with a request that the duplicate be returned.

(3)(2) No change.

(4)(3) Each telecommunications company shall ~~make maintain on file in each of its business offices~~, available for public inspection upon request, ~~either a printed copy or an electronic copy of its retail tariffs~~ the local exchange tariff for exchanges under the administration of that office, its general exchange tariff, and its schedule of intrastate toll rates. Each business office shall likewise make available a copy of Chapter 25-4, F.A.C., of the Florida Public Service Commission Rules and Regulations for public inspection upon request.

(5) Companies shall charge only the rates and credits contained in their tariff. If a company desires to deviate temporarily from its normal tariffed rates and credits, the company shall file a single tariff change reflecting the conditions of the temporary tariff change. Such tariff provision shall include the heading "Promotion," and shall state the name of the promotion, a specific description of the tariffed service(s) involved, including all applicable rates, benefits, terms, and conditions, and the beginning and ending dates of the promotion.

(6) Tariffs shall comply with the following conventions:

(a) Each sheet shall have a left-hand margin of at least 3/4". All sheets and copies must be clear and legible. Tariffs submitted in hard copy form shall be in loose leaf form on 8 1/2" x 11" sheets, typewritten on white paper, using one side of the paper only.

(b) Each sheet shall bear the name of the company, as certificated with the Commission, the name and title of the issuing officer, and the effective date of the sheet.

(c) Every sheet in the tariff shall be numbered.

(d) Each initially approved sheet in the tariff shall be marked "Original Sheet" in the upper right-hand corner of the sheet. As an example: Original Sheet No. 4, or Original Sheet No. 5.2.

(e) Revised sheets in the tariff shall be marked with the number of the revision in the upper right-hand corner and the number of the sheet it replaces. As an example:

First Revised Sheet No. 4

Cancels Original Sheet No. 4

(f) The tariffs shall contain at a minimum the following:

1. Table of Contents and Index. All tariffs shall have a table of contents identifying the page location of each section in the tariff. Each section shall also be individually indexed by subject.

2. Symbols Used in Tariff Filings. Symbols used in any proposed change to the existing tariff shall appear on the right hand side of each sheet on the same line(s) in which any change has been made. If three or more consecutive lines are affected, one symbol shall be placed on the first and last lines with a vertical line connecting the two symbols. Two or more symbols shall be placed next to each other on any line with multiple types of changes. The symbol page shall identify all symbols used in the tariff.

3. Technical Terms and Abbreviations. This section shall contain all technical and special terms and abbreviations used in the tariff.

(7) With each filing, the company shall provide a coded copy of each tariff sheet filed showing changes to the existing tariff sheet. Changes shall be indicated by inserting and underlining new words; words to be deleted shall be lined through with hyphens.

Specific Authority 350.127(2) FS. Law Implemented 364.04, 364.163 FS. History—New 3-31-76, Amended 11-29-82, Formerly 25-4.34, Amended 9-13-88, 4-16-90, 3-10-96, _____.

25-4.069 Maintenance of Plant and Equipment.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.15 FS. History—Revised 12-1-68, Amended 12-13-82, 9-30-85, Formerly 25-4.69, Amended 4-16-90, 3-10-96, Repealed _____.

25-4.112 Termination of Service by Customer.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.19 FS. History—New 12-1-68, Repealed _____.

25-4.115 Directory Assistance.

(1) Directory assistance service provided by any telephone company shall be subject to the following:

(a) Charges for directory assistance shall be reflected in tariffs filed with the Commission and shall apply to the end-user.

(b) The tariff shall state the number of telephone numbers that may be requested by a customer per directory assistance call.

~~(2) Charges for calls within a local calling area or within a customer's Home Numbering Plan Area (HNPA) shall be at rates prescribed in the general service tariff of the local exchange company originating the call and shall be subject to the following:~~

~~(a) There shall be no charge for directory assistance calls from lines or trunks serving individuals with disabilities. As used in this rule, "disability" means, with respect to an individual - A physical or mental impairment that prohibits a customer from using the telephone directory.~~

~~(b) The same charge shall apply for calls within a local calling area and calls within an HNPA.~~

~~(c) The tariff shall state the number of calls per billing month per individual line or trunk to the number designated for local directory assistance (i.e., 411, 311 or 611) for which no charges will apply. The local exchange company shall charge for each local directory assistance call in excess of this allowance. The charge shall not apply for calls from pay stations.~~

~~(d) The local exchange company shall apply the charge for each call to the number designated for long distance directory assistance within the customer's HNPA (i.e., 1 + (850)555-1212).~~

Specific Authority 350.127 FS. Law Implemented 364.02, 364.025, 364.03, 364.04, 364.07, 364.08 FS. History-New 6-12-86, Amended 6-3-90, 5-31-93, 11-21-95, 5-8-05,_____.

25-4.117 Toll Free 800 Service.

Telephone companies are prohibited from billing to or collecting from the originating caller any charges for intrastate calls to toll free numbers (e.g., 800, 866, 877, and 888) an 800 service subscriber.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.04, 364.051 FS. History-New 3-5-90, Amended_____.

25-4.200 Application and Scope.

Specific Authority 350.127(2) FS. Law Implemented 364.052 FS. History-New 3-10-96, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Mailhot, Office of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850)413-6418

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-9.001	Application and Scope
25-9.002	Definitions
25-9.005	Information to Accompany Filings
25-9.008	Telephone Utility Tariffs
25-9.009	Numbering and General Data Required for Each Sheet
25-9.022	Table of Contents
25-9.027	Rules and Regulations
25-9.029	Index of Rate Schedules
25-9.032	Telephone Utility Exchange Schedules

PURPOSE AND EFFECT: Rules in Chapter 25-9, F.A.C., are amended so that the Chapter no longer applies to incumbent local exchange companies (ILECs), and so that applicable tariff and tariff filing requirements for ILECs are located in Rule 25-4.034, F.A.C. Docket No. 080641-TP.

SUMMARY: Rule 25-9.001, F.A.C., is amended to exclude ILECs and CLECs from Chapter 25-9, F.A.C. The applicable tariff and tariff filing requirements related to ILECs are being rewritten and included in Rule 25-4.034, F.A.C. Chapter 25-9, F.A.C., does not currently apply to CLECs so the rule is amended to make this clear. Rules 25-9.002, 25-9.005, 25-9.009, 25-9.022, 25-9.027, and 25-9.029, F.A.C., are amended to remove all references to telephone companies, consistent with the amendment of Rules 25-9.001, 25-9.008 and 25-9.032, F.A.C., which apply only to telephone companies, are repealed consistent with the amendment of Rule 25-9.001, F.A.C. None of the rule amendments or repeals are intended to impact in any way wholesale service or the SEEM (Self-Effectuating Enforcement Mechanism) plan, the SEEM metrics or payments, or the type of data that must be collected and analyzed for purposes of the SEEM plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There should be minimal costs to implement the proposed rule amendments. There should be no incremental cost to the Commission. These rule changes would benefit the Commission, small businesses, local governments and customers by having more simple, streamlined, and clarified rules which are more easily understood. There should be no negative impacts on small businesses, small cities, or small counties resulting from these rule changes. The rule amendments and repeals will likely decrease utilities' administrative costs somewhat.

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: 350.127, 366.05, 367.121 FS.
 LAW IMPLEMENTED: 364.03, 364.04, 364.05, 364.08, 364.337, 366.04(2)(b), 366.05, 366.06, 367.021, 367.041, 367.081, 367.091, 367.101 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: Kathryn Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULES IS:

25-9.001 Application and Scope.

(1) The provisions of Parts I, II and III of these rules shall only apply to public utilities as defined in subsection 25-9.002(2), F.A.C., and Parts IV and V of these rules shall only apply to municipalities and cooperatives as defined in subsection 25-9.051(2), F.A.C. ~~Except as provided by Parts X through XIV, Chapter 25-24, F.A.C.,~~ The provisions of this Chapter shall not apply to Interexchange Companies, Pay Telephone Service Companies, Shared Tenant Service Companies, Operator Service Provider Companies, ~~or~~ Alternative Access Vendor Service Providers, Competitive Local Exchange Companies or Local Exchange Companies.

(2) through (5) No change.

Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented ~~364.03, 364.04, 364.05, 364.08, 364.337,~~ 366.04(2)(b), 366.05(1), 367.041(2), 367.091, 367.101 FS. History—Repromulgated 1-8-75, 10-22-75, Amended 8-9-79, Formerly 25-9.01, Amended 2-23-86, 1-8-95,_____.

25-9.002 Definitions.

For the purposes of these regulations the following definitions shall apply:

(1) No change.

(2) Except where a different meaning clearly appears from the context, the word or words “utility” or “public utility” as used in these rules shall mean and include all electric and gas utilities, water systems, and wastewater systems, ~~telephone companies and telegraph companies~~ which are, or may hereafter be, subject to the jurisdiction of this Commission.

(3) through (8) No change.

Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented ~~364.04,~~ 366.05(1), 367.021 FS. History—Repromulgated 1-8-75, 10-22-75, Formerly 25-9.02, Amended_____.

25-9.005 Information to Accompany Filings.

(1) No change.

(2) In addition to the foregoing, ~~Telephone Companies,~~ Electric utilities and gas utilities shall provide the following:

(a) through (c) No change.

(d) A company may request a waiver of any of the requirements of this subsection upon a written application showing that the requirement is inordinately burdensome or unnecessary for analysis of its filing. The directors of the Divisions of Economic Regulation ~~and Competitive Markets and Enforcement, respectively,~~ will dispose of any such request. A company may request Commission review of a denial of a waiver.

~~(3)(a) When a local exchange telephone company whose annual revenues from regulated telecommunications operations are \$100,000,000 or more files a tariff to introduce a new service, incremental cost data shall be filed sufficient to demonstrate that the proposed rates for the service are not below incremental cost. When a local exchange telephone company whose annual revenues from regulated telecommunications services are less than \$100,000,000 files a tariff for a new service, it shall provide incremental cost data, if available, or otherwise demonstrate that the proposed rates for the service are not below that local exchange company's incremental cost.~~

~~(3)(b) Where the change involves a rate or charge and the electric, or gas, or telephone utility elects to make a cost study, the utility shall file a cost information statement containing a summary of the cost study performed, including:~~

1. through (5) No change.

~~(6) The provisions of paragraph (1)(b) and subsections (2) and (3) shall not apply to telephone interexchange carriers granted exemptions by Order No. 13678, issued September 13, 1984.~~

Specific Authority 350.127(2) FS. Law Implemented ~~364.05, 364.3381,~~ 366.06, 367.081 FS. History—Repromulgated 1-8-75, 10-22-75, Amended 1-18-82, 8-8-85, Formerly 25-9.05, Amended 5-24-94,_____.

25-9.008 Telephone Utility Tariffs.

Specific Authority 350.127(2) FS. Law Implemented 364.04 FS. History—Repromulgated 1-8-75, 10-22-75, Formerly 25-9.08, Repealed_____.

25-9.009 Numbering and General Data Required for Each Sheet.

The numbering and general data required by this rule and listed below shall appear on each sheet in the rate book excepting the front and back covers and the individual sheets of special contracts.

(1) through (a) No change.

~~(b) Telephone and telegraph utilities covered by Rule 25-9.008, F.A.C., should continue the presently effective section and sheet numbering system which is uniformly employed by all such utilities, the size and construction of whose tariffs require such division.~~

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

(2) through (5) No change.

Specific Authority 350.127(2), 367.121 FS. Law Implemented ~~364.04~~, 366.05, 367.041 FS. History—Repromulgated 1-8-75, 10-22-75, Formerly 25-9.09, Amended.

25-9.022 Table of Contents.

(1) No Change.

(2) In the larger rate books the major sections will be individually indexed in accordance with Rules 25-9.007 ~~and 25-9.008~~, F.A.C. In these larger rate books the table of contents will serve as an index or guide to the separate sections as set out in Rule 25-9.007, F.A.C ~~said two rules~~.

Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented ~~364.04~~, 366.05(1), 367.041(2) FS. History—Repromulgated 1-8-75, Formerly 25-9.22, Amended.

25-9.027 Rules and Regulations.

(1) This section shall include all rules, regulations, practices, services, classifications, exceptions and conditions made or observed relative to the utility service furnished which are general and apply to all or many of the rate schedules ~~or exchange areas served~~.

(2) No Change.

(3) If a general regulation does not apply to a particular schedule, or classification ~~or exchange~~, that fact should be clearly stated.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented ~~364.04~~, 366.05(1), 367.041(2) FS. History—Repromulgated 1-8-75, Formerly 25-9.27, Amended.

25-9.029 Index of Rate ~~or Exchange~~ Schedules.

(1) This section shall provide an index to facilitate prompt reference to any particular rate schedule ~~or to any given exchange~~.

(2) In cases where the rate sections for which this index is provided contain less than twelve (12) sheets, this section may be omitted.

Specific Authority 350.127(2), 366.05(1), 367.121 FS. Law Implemented ~~364.04~~, 366.05(1), 367.041(2) FS. History—Repromulgated 1-8-75, Formerly 25-9.29, Amended.

25-9.032 Telephone Utility Exchange Schedules.

Specific Authority 350.127(2), FS. Law Implemented 364.04 FS. History—Repromulgated 1-8-75, Formerly 25-9.32, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Mailhot, Office of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6418

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-210.101
RULE TITLE: Routine Mail

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide clarity regarding the types of paper which may be sent in and impose requirements necessary for the security of the institutions.

SUMMARY: The proposed rule amends Rule 33-210.101, F.A.C., to require that mail be written in English or Spanish or, if an inmate cannot read one of these languages, to require that the inmate shall request approval to receive mail in other languages. Correspondence in a language other than English or Spanish may be photocopied and sent to another institution or the central office for translation. All mail must be sent through the United States Postal Service and contain a return address, and the proposed rule would clarify the types of paper and packaging permitted as well as the subject matter allowed. The proposed rule would prohibit the use of third-party mailing services by both inmates and senders that allow inmates to place advertisements on the internet. The number of permitted additional pages of written material would be increased from five to 15, and the provision concerning postage for inmates for the submission of complaints to the Florida Bar would be moved to Rule 33-210.102, 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: 20.315, 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: Kendra Lee Jowers, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-210.101 Routine Mail.

(1) No change.

(2) Inmates will be permitted to receive only the following types of materials through routine mail:

(a) Written correspondence (no limit as to number of pages). Correspondence shall be written in either English or Spanish. Inmates who cannot read and write in English or Spanish shall request approval from the warden to correspond in the language which the inmate can read and write using Form DC6-236, Inmate Request. Correspondence may be

written on greeting cards, but cards containing electronic or other non-paper parts, cards which are constructed in such a way as to permit concealment of contraband, or which are larger than 8"x10" will not be permitted. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(b) Up to 15 pages of additional written materials, unless the additional written materials pertain to an inmate's legal case or health, or prior approval is obtained from the warden to send in an enclosure of greater than 15 five pages. Each page can be no larger than 8 1/2" x 14" in size; material can be on both sides of a page. This does not include ~~bound~~ publications which ~~shall will~~ be handled pursuant to Rule 33-501.401, F.A.C. Individual ~~newspaper or magazine~~ articles or clippings ~~or clippings from other publications~~ the content of which is otherwise admissible are permissible, up to the 15 page limit. No item can be glued, taped, stapled or otherwise affixed to a page. Requests to send enclosures of greater than 15 five pages shall be made to the warden or his designee prior to sending the material. Exceptions to the 15 five page limitation are intended for enclosures concerning legal, medical, or other significant issues, and not for material for general reading or entertainment purposes. The warden shall advise the sender and the mail room of his approval or disapproval of the request.

(c) Photographs. Photographs will be counted toward the 15 page additional materials limitation. Nude photographs or photographs which reveal genitalia, buttocks, or the female breast will not be permitted. Polaroid photographs will not be permitted. Photographs will not exceed 8"x10".

(d) Self-addressed stamped envelopes. These items do not count toward the 15 page limitation for additional materials, but cannot exceed the equivalent of 20 (1 oz.) first class stamps.

(e) Blank greeting cards (no larger than 8"x10"), stationery or other blank writing paper (lined or unlined), or envelopes. Card stock, sketch paper, and other types of craft paper may not be included. These items do not count toward the 15 page limitation for additional materials, but cannot exceed 10 each in number, with a total possession limit of 15 of each item.

(f) U.S. postage stamps. The value of the stamps cannot exceed the equivalent of 20 (1 oz.) first class stamps. These items do not count toward the 15 five page limitation for additional materials. Inmates shall not possess more than the maximum number of stamps permitted by Rule 33-602.201, F.A.C. Due care shall be exercised in processing mail, however, the department shall not be responsible for any postage stamps sent through the mail.

(3) No other items may be received through incoming routine mail. If an impermissible item is found (other than items of an illegal nature) the entire correspondence will be returned to the sender pursuant to subsection (13) of this rule. For example, the following items are not permissible for inclusion in or attachment to routine mail:

(a) through (c) No change;

(d) Address labels (other than those affixed to the outside of the envelope); or

(e) No change.

(4) No change.

(5) Any routine mail sent or received ~~shall may~~ be opened, examined and is subject to being read by a designated employee. If the warden has approved an inmate to receive correspondence written in a language other than English or Spanish the correspondence may be translated to confirm that it complies with the applicable rules. If the language cannot be translated by an employee at the facility the correspondence may be photocopied and sent to another institution or the central office for translation. Outgoing mail shall not be sealed by the inmate sender. Incoming and outgoing mail that is properly addressed and otherwise in compliance with applicable rules shall not be held for processing for more than 48 hours of receipt by the mail room, excluding weekends and holidays.

(6) Except as provided in this rule section, inmates may send mail to and receive mail from any person or group they wish.

(7) through (8) No change.

(9) Inmates shall not use correspondence privileges to solicit or otherwise commercially advertise for money, goods or services. For the purposes of this rule this includes advertising for pen-pals; inmates are not prohibited from corresponding with pen-pals, but shall not place ads soliciting pen pals. ~~Inmates are prohibited from receiving correspondence or materials from persons or groups marketing advertising services, or from subscribing to advertising services.~~ Inmates who post ads or have ads posted with the assistance of another person shall be subject to disciplinary action.

(10) No change.

(11) Outgoing or incoming mail shall be disapproved for mailing or delivery to the inmate if any part of it:

(a) through (c) No change.

(d) Is written in code or is otherwise written in a manner that is not reasonably subject to interpretation by staff as to meaning or intent;

(e) through (f) No change;

(g) Is dangerously inflammatory in that it advocates or encourages riot, insurrection, disruption of the institution, violation of department or institution rules, the violation of which would present a serious threat to the security, order or rehabilitative objectives of the institution or the safety of any person;

(h) No change.

(i) Pictorially depicts sexual conduct as defined by Section 847.001, F.S., as follows:

1. through 5. No change.

6. Actual contact with a person's unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party;

~~7.6.~~ Any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed.

(j) ~~Presents nudity or a lewd exhibition of the genitals in such a way as to create the appearance that sexual conduct is imminent, i.e., display of contact or intended contact with genitals, pubic area, buttocks or female breasts orally, digitally or by foreign object, or display of sexual organs in an aroused state.~~

(k) No change.

(l) It contains an advertisement promoting any of the following where the advertisement is the focus of, rather than being incidental to, the publication or the advertising is prominent or prevalent throughout the publication.

1. Three-way calling services;

2. Pen-pal services;

3. The purchase of products or services with postage stamps; or

4. Conducting a business or profession while incarcerated.

(l) through (n) renumbered (m) through (o) No change.

(12) through (13) No change.

(14)(a) No change.

(b) If the incoming mail is disapproved for one of the reasons listed in subsection (7), (8), or (9), paragraph (11)(a) through ~~(l)(k)~~ or ~~(o)(m)~~, subsection (12) or (13) of this rule, the institution shall make a copy of the correspondence before returning it to the sender with the Unauthorized Mail Return Receipt, Form DC2-521, included. The institution is not required to copy incoming correspondence disapproved pursuant to subsection (7) if the return address on the envelope was the reason for determining that the mail was sent from an inmate at another penal institution.

(c) through (d) No change.

(e) Form DC2-521 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, ~~Office of Research, Planning and Support Services~~, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 9-20-04.

(15) Incoming and outgoing routine mail shall be delivered to and picked up from the institution or facility by the U.S. Postal Service only.

(a) Addresses of incoming mail: The address of all incoming mail must contain the inmate's committed name, identification number and institutional address. The inmate's dorm and bunk locations are not required. All incoming mail shall contain the return address of the sender. The return address of incoming mail is subject to verification and shall be rejected if the sender cannot be verified.

~~(b)(15)~~ Addresses of outgoing mail: The return address of all outgoing mail shall ~~must~~ contain the inmate's committed name, identification number and institutional name and institutional address. The inmate's dorm and bunk locations are not required ~~in either the address of incoming mail or the return address of outgoing mail~~. No prefix other than inmate, Mr., Ms., Miss, or Mrs. nor any suffix other than Jr., Sr. or Roman numeral such as II or III may be included as part of the committed name in the return address. The institutional name in the return address must be spelled out completely with no abbreviations. All outgoing routine mail will be stamped "mailed from a state correctional institution" by mail room staff.

(c) Third party mailing services.

1. Inmates shall not utilize any third party mailing services or engage in any activities which would enable them to engage in correspondence without revealing their status as inmates. Examples of prohibited activities include the following:

a. Placement of ads in magazines, newspapers, or other publications;

b. Posting of ads or other information on Internet sites;

c. Use of any mailing service which allows the inmate to utilize a non-institutional address and engage in correspondence without revealing his or her status as an inmate;

d. Any activity or service which does not reveal to potential correspondents the inmate's status as an inmate.

2. Senders shall not utilize any third party mailing services or engage in any activities which would enable them to engage in correspondence without revealing their identity or return address.

3. Any inmate who is discovered to be participating in any of the above-prohibited activities shall be subject to disciplinary action in accordance with Rules 33-601.301-.314, F.A.C.

(16) No change.

(17) No postage or writing materials shall be provided to inmates for routine mail except as provided in this subsection. Postage and writing materials shall be provided to any inmate with insufficient funds for mailing ~~1 one~~ first class letter weighing ~~1 one~~ ounce or less each month to be used for mailing ~~1 one~~ first class letter weighing ~~1 one~~ ounce or less each month. Local procedures may be established to require the inmate to request the free postage and writing materials or to establish a specific day of the month for the free letters to be processed. ~~Postage shall also be provided to any inmate with insufficient funds for the purpose of mailing a complaint to the Florida Bar concerning ineffective assistance of counsel in the inmate's criminal case. Inmates shall be permitted to receive U.S. postage stamps in their routine mail so long as the value of the stamps does not exceed the equivalent of 20 (1 oz.) first class stamps. Inmates may not possess more than the maximum number of stamps permitted by Rule 33-602.201,~~

~~F.A.C. Due care shall be exercised in processing mail, however, the department shall not be responsible for any postage stamps sent through the mail.~~

(18) through (19) No change.

~~(20) No packaging other than standard envelopes shall be given to inmates. This includes removing the following types of packaging: boxes, padded envelopes, plastic bags, any envelopes that include metal parts, multi-layer packaging, bubble wrap, packing peanuts, etc. Inmates shall not be permitted to receive routine mail in padded envelopes.~~

(21) through (22) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 10-8-76, Amended 10-11-77, 4-19-79, 11-19-81, 3-12-84, 10-15-84, Formerly 33-3.04, Amended 7-8-86, 9-4-88, 3-9-89, 9-1-93, 9-30-96, 5-25-97, 6-1-97, 10-7-97, 5-10-98, Formerly 33-3.004, Amended 12-20-99, Formerly 33-602.401, Amended 12-4-02, 8-5-03, 10-27-03, 9-20-04, 3-23-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Upchurch, Chief of Security Operations
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2008

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NOS.:	RULE TITLES:
59C-1.008	Certificate of Need Application Procedures
59C-1.010	Certificate of Need Application Review Procedures
59C-1.012	Administrative Hearing Procedures
59C-1.013	Monitoring Procedures
59C-1.030	Criteria Used in Evaluation of Applications

PURPOSE AND EFFECT: The agency is proposing to update the rules that define application procedures used in Chapter 59C-1, F.A.C. dure to changes in the Laws of Florida Chapter 2008-29 revising the requirements with respect to an application for certificate of need for a general hospital.

SUMMARY: The proposed rules are updated to reflect statutory changes to the hospital application procedures currently defined in the listed rules in Chapter 59C-1, 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: 408.035(1)(2), 408.037(1)(2)(3), 408.039(3)(5)(6) FS.

LAW IMPLEMENTED: 408.035, 408.037, 408.039 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: December 22, 2008, 1:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, 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 3 days before the workshop/meeting by contacting: Calvin J Vice, Sr., PhD at (850)488-8672. 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: Calvin J Vice, Sr., PhD

THE FULL TEXT OF THE PROPOSED RULES IS:

59C-1.008 Certificate of Need Application Procedures.

(1) Letters of Intent and applications subject to comparative review shall be accepted in two batching cycles annually each for hospital beds and facilities and for other beds and programs, as specified in paragraph (g) of this subsection. The category “hospital beds and facilities” includes proposals for new hospital facilities, replacement hospital facilities if being replaced more than a mile away, acute care beds pursuant to Section 408.036(1)(g), F.S., the establishment of new neonatal level II and level III programs unless otherwise exempt pursuant to Section 408.036(3)(k), F.S., and comprehensive medical rehabilitation beds unless otherwise exempt pursuant to Section 408.036(3)(i), F.S. and except as provided in Section 408.037(2), F.S. for a general hospital. Unless otherwise directed by Section 408.037(2), F.S., general hospital applications shall conform to the schedules in this rule and will use all the usual application and financial forms described below as applicable. The category “other beds and programs” includes proposals for open heart surgery, pediatric cardiac catheterization, specialty burn units, organ transplantation, community nursing home projects, hospice programs, hospice inpatient facilities, and intermediate care facilities for the developmentally disabled.

(a) No change.

(b) The contents of the letter of intent shall be consistent with paragraph 408.039(2)(c), F.S., and must be a written communication with an original signature. The applicant is solely responsible for the content and clarity of the letter of

intent. The agency shall not assume any facts not clearly stated. Applications should be submitted with one copy printed and any duplicates in electronic media format (DVD).

(c) through (e) No change.

(f) Certificate of Need Application Submission. An application for a certificate of need shall be submitted on AHCA Form CON-1, July 2000, which includes Schedules A or A-Trn, B or B-Trn, C, D, D-1, 1 or 1-Trn, 2, 3, 4, 5, 6, 6A, 7, 7A, 7B, 8, 8A, 9, 10, 11-Trn, and 12, which are incorporated by reference herein. A paper copy of Form CON-1 or a copy on electronic media and the Schedules may be obtained from:

Agency for Health Care Administration,
Certificate of Need
2727 Mahan Drive, Mail Stop 28 Building 4
Tallahassee, FL 32308.

An electronic version of Form CON-1 and the Schedules are also available at www.ahca.myflorida.com www.fdhe.state.fl.us.

1. The application must be actually received by the agency by 5:00 p.m. local time on or before the application due date.

2. Applications for projects which exceed the proposed number of beds contained in the letter of intent shall not be deemed complete for review by the agency and shall be withdrawn from further review.

3. Applications may propose a lesser number of beds than that contained in the letter of intent.

4. Applications for a certificate of need for a general hospital must follow the instructions contained in subsections 408.037(2), F.S.

(g) Applications Subject to Comparative Review-Batching Cycles. In order that applications pertaining to similar types of services or facilities affecting the same service district or subdistrict may be considered in relation to each other for purposes of comparative review, letters of intent and applications shall be received by the agency no later than dates prescribed in the following schedule:

<u>Hospital Beds and Facilities</u>	
<u>1st Batching Cycle – 2007</u>	
Summary Need Projections Published in F.A.W.	1-26-07
Letter of Intent Deadline	2-12-07
Application Deadline	3-14-07
Completeness Review Deadline	3-21-07
Application Omissions Deadline	4-18-07
Agency Initial Decision Deadline	6-15-07
<u>Hospital Beds and Facilities</u>	
<u>2nd Batching Cycle – 2007</u>	
Summary Need Projections Published in F.A.W.	7-27-07
Letter of Intent Deadline	8-13-07
Application Deadline	9-12-07
Completeness Review Deadline	9-19-07
Application Omissions Deadline	10-17-07

<u>Agency Initial Decision Deadline</u>	<u>12-14-07</u>
<u>Hospital Beds and Facilities</u>	
<u>1st Batching Cycle – 2008</u>	
Summary Need Projections Published in F.A.W.	1-25-08
Letter of Intent Deadline	2-11-08
Application Deadline	3-12-08
Completeness Review Deadline	3-19-08
Application Omissions Deadline	4-16-08
Agency Initial Decision Deadline	6-13-08
<u>Hospital Beds and Facilities</u>	
<u>2nd Batching Cycle – 2008</u>	
Summary Need Projections Published in F.A.W.	7-25-08
Letter of Intent Deadline	8-11-08
Application Deadline	9-10-08
Completeness Review Deadline	9-17-08
Application Omissions Deadline	10-15-08
Agency Initial Decision Deadline	12-12-08
<u>Hospital Beds and Facilities</u>	
<u>1st Batching Cycle – 2009</u>	
Summary Need Projections Published in F.A.W.	1-23-09
Letter of Intent Deadline	2-09-09
Application Deadline	3-11-09
Completeness Review Deadline	3-12-09
Application Omissions Deadline	4-15-09
Agency Initial Decision Deadline	6-12-09
<u>Hospital Beds and Facilities</u>	
<u>2nd Batching Cycle – 2009</u>	
Summary Need Projections Published in F.A.W.	7-24-09
Letter of Intent Deadline	8-10-09
Application Deadline	9-09-09
Completeness Review Deadline	9-16-09
Application Omissions Deadline	10-14-09
Agency Initial Decision Deadline	12-11-09
<u>Hospital Beds and Facilities</u>	
<u>1st Batching Cycle – 2010</u>	
Summary Need Projections Published in F.A.W.	1-22-10
Letter of Intent Deadline	2-08-10
Application Deadline	3-10-10
Completeness Review Deadline	3-17-10
Application Omissions Deadline	4-14-10
Agency Initial Decision Deadline	6-11-10
<u>Hospital Beds and Facilities</u>	
<u>2nd Batching Cycle – 2010</u>	
Summary Need Projections Published in F.A.W.	7-23-10
Letter of Intent Deadline	8-09-10
Application Deadline	9-08-10
Completeness Review Deadline	9-15-10
Application Omissions Deadline	10-13-10
Agency Initial Decision Deadline	12-10-10

Other Beds and Programs
1st Batching Cycle—2007

Summary Need Projections Published in F.A.W.	4-06-07
Letter of Intent Deadline	4-23-07
Application Deadline	5-23-07
Completeness Review Deadline	5-30-07
Application Omissions Deadline	6-27-07
Agency Initial Decision Deadline	8-24-07

Other Beds and Programs
2nd Batching Cycle—2007

Summary Need Projections Published in F.A.W.	10-05-07
Letter of Intent Deadline	10-22-07
Application Deadline	11-21-07
Completeness Review Deadline	11-28-07
Application Omissions Deadline	12-26-07
Agency Initial Decision Deadline	2-22-08

Other Beds and Programs
1st Batching Cycle – 2008

Summary Need Projections Published in F.A.W.	4-04-08
Letter of Intent Deadline	4-21-08
Application Deadline	5-21-08
Completeness Review Deadline	5-28-08
Applicant Omissions Deadline	6-25-08
Agency Initial Decision Deadline	8-22-08

Other Beds and Programs
2nd Batching Cycle – 2008

Summary Need Projections Published in F.A.W.	10-03-08
Letter of Intent Deadline	10-20-08
Application Deadline	11-19-08
Completeness Review Deadline	11-26-08
Applicant Omissions Deadline	12-24-08
Agency Initial Decision Deadline	2-20-09

Other Beds and Programs
1st Batching Cycle – 2009

Summary Need Projections Published in F.A.W.	4-03-09
Letter of Intent Deadline	4-20-09
Application Deadline	5-20-09
Completeness Review Deadline	5-27-09
Application Omissions Deadline	6-24-09
Agency Initial Decision Deadline	8-21-09

Other Beds and Programs
2nd Batching Cycle – 2009

Summary Need Projections Published in F.A.W.	10-02-09
Letter of Intent Deadline	10-19-09
Application Deadline	11-18-09
Completeness Review Deadline	11-25-09
Application Omissions Deadline	12-23-09
Agency Initial Decision Deadline	2-19-10

Other Beds and Programs
1st Batching Cycle – 2010

Summary Need Projections Published in F.A.W.	4-02-10
Letter of Intent Deadline	4-19-10
Application Deadline	5-19-10
Completeness Review Deadline	5-26-10
Application Omissions Deadline	6-23-10
Agency Initial Decision Deadline	8-20-10

Other Beds and Programs
2nd Batching Cycle – 2010

Summary Need Projections Published in F.A.W.	10-01-10
Letter of Intent Deadline	10-18-10
Application Deadline	11-17-10
Completeness Review Deadline	11-24-10
Application Omissions Deadline	12-22-10
Agency Initial Decision Deadline	2-18-11

(h) through (3) No change.

(4) Certificate of Need Application Contents. An application for a certificate of need shall contain the following items:

(a) All requirements set forth in sections 408.037(1) ~~and~~ (2) and (3), F.S.;

(b) The correct application fee;

(c) With respect to paragraph 408.037(1)(c), F.S., which requires an audited financial statement of the applicant the following provisions apply:

1. The audited financial statement of the applicant must be for the most current fiscal year. If the most recent fiscal year ended within 120 days prior to the application filing deadline and the audited financial statements are not yet available, then the prior fiscal year will be considered the most recent.

2. Existing health care facilities must provide audited financial statements for the two most recent consecutive fiscal years in accordance with subparagraph 1. above.

3. Only audited financial statements of the applicant will be accepted. Audited financial statements of any part of the applicant, including but not limited to subsidiaries, divisions, specific facilities or cost centers, will not qualify as an audit of the applicant. Nor shall the audited financial statements of the applicant's parent corporation qualify as an audit of the applicant.

(d) To comply with Section 408.037(1)(b)1., F.S., which requires a listing of all capital projects, the applicant shall provide the total approximate amount of anticipated expenditures for capital projects which meet the definition in subsection 59C-1.002(7), F.A.C., at the time of initial application submission, or state that there are none. An itemized list or grouping of capital projects is not required, although an applicant may choose to itemize or group its capital projects. The applicant shall also indicate the actual or

proposed financial commitment to those projects, and include an assessment of the impact of those projects on the applicant's ability to provide the proposed project; and

(e) Responses to applicable questions contained in the application forms.

(5) Identifiable Portions. If an applicant would like to be considered for an award of an identifiable portion of the project, the application, at the time of submission, must include responses to the applicable questions on the identifiable portion. The agency may make a partial award only if the applicant included responses to the applicable questions in the application.

Specific Authority 408.034(6), 408.15(8) FS. Law Implemented 408.033, 408.037, 408.038, 408.039 FS. History—New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 2-1-81, 4-1-82, 7-29-82, 9-6-84. Formerly 10-5.08, Amended 11-24-86, 3-2-87, 6-11-87, 11-17-87, 3-23-88, 5-30-90, 12-20-90, 1-31-91, 9-9-91, 5-12-92, 7-1-92, 8-10-92, Formerly 10-5.008, Amended 4-19-93, 6-23-94, 10-12-94, 10-18-95, 2-12-96, 7-18-96, 9-16-96, 11-4-97, 7-21-98, 12-12-00, 4-2-01, 1-10-02, 6-26-03, 12-13-04, 9-28-05,_____.

59C-1.010 Certificate of Need Application Review Procedures.

(1) through (2)(c) No change.

(d) An application for a general hospital must meet the requirements of subsection 408.037(2), F.A.C.

(3) through (5)(d) No change.

(e) Section 408.039(3)(c) and (d) and (5)(c), F.S., impose strict guidelines for who may challenge an application by a general hospital; when that challenge must be filed; the subjects which may be challenged and the timing of any response by the applicant. Participation in any subsequent hearing is precluded by those who do not challenge timely. Challenges must be received within 21 days of the Omissions Submission Deadline for each Batching Cycle as published in Rule 59C-1.008, F.A.C.

(6) through (7) No change.

Specific Authority 408.034(5), 408.15(8) FS. Law Implemented 408.033(1), 408.036(2), 408.037(2), 408.039(3), (4), (5), (6) FS. History—New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 4-25-80, 2-1-81, 3-31-82, 12-23-82, Formerly 10-5.10, Amended 11-24-86, 11-17-87, 3-23-88, 8-28-88, 1-31-91, 7-1-92, 7-14-92, Formerly 10-5.010, Amended 10-8-97, 12-12-00, 4-2-01, 6-23-05,_____.

59C-1.012 Administrative Hearing Procedures.

(1) through (2)(d) No change.

(e) For an application for a new construction or establishment of a general hospital, administrative hearings shall commence within 6 months after the administrative law judge has been assigned, and a continuance may not be granted absent a finding of extraordinary circumstances by the administrative law judge.

(f) The party appealing a final order that grants a general hospital certificate of need shall pay the appellee's attorney's fees and costs, in an amount up to \$1 million, from the

beginning of the original administrative action if the appealing party loses the appeal, subject to the following limitations and requirements:

1. The party appealing a final order must post a bond in the amount of \$1 million in order to maintain the appeal.

2. Except as provided under Section 120.595(5), F.S., in no event shall the agency be held liable for any other party's attorney's fees or costs.

a. The bond must be made payable to the Agency for Health Care Administration, Bureau of Health Facilities Regulation, Office of Certificate of Need and must reference the CON number being appealed, the DOAH number if available, and the date the CON was filed. The bond needs to be sent to:

AHCA Office of Certificate of Need
2727 Mahan Drive, MS#28
Tallahassee, Florida 32308

b. The appealing party must be clearly identified in the title of the Bond.

c. Without the necessary information in subparagraph 59C-1.012(2)(f)2., a. and b., F.A.C., the appeal will not be accepted.

Specific Authority 408.15(8) FS. Law Implemented 408.039(5), 408.039(6), 120.57, 120.59 FS. History—New 1-1-77, Amended 9-1-78, 6-5-79, 10-23-79, 4-25-80, Formerly 10-5.12, Amended 11-24-86, 11-17-87, Formerly 10-5.012, Amended 12-14-92,_____.

59C-1.013 Monitoring Procedures.

(1) through (2) No change.

(3) Documentation. The following is a listing of all reports required for monitoring compliance with this rule and Rule 59C-1.018, F.A.C.:

(a) Final Cost Report. The certificate of need holder shall file a Final Cost Report AHCA Form CON 3, Revised July 1997, incorporated by reference herein. A copy of Form CON 3 may be obtained from: Agency for Health Care Administration, Certificate of Need Office, Fort Knox Executive Center, 2727 Mahan Drive, Building 3, Tallahassee, FL 32308. The Final Cost Report must be received by the agency within 90 calendar days of submission of the Architect's Certificate of Final Payment, or upon commencement of the health services, whichever is applicable.

(b) Architect's Certificate of Final Payment. The certificate of need holder shall provide the agency, in writing, a completed and fully executed architect's certification of final payment, AIA Documents G702 and G703, May 83 incorporated by reference herein, or a suitable substitute. A substitute is suitable if it contains the following items:

1. A certification by the contractor or the architect of final payment which contains the original construction cost, any cost for change orders, and the total expenditures made or requested;

~~2. A certification by the architect that the project is complete and final payment has been made; and~~

~~3. An itemized sheet for direct construction costs which breaks down the expenditures by description of work.~~

~~The report must be received by the agency no later than 30 calendar days following the completion of construction as defined in the owner and contractor agreement, and final approval of the project by the agency.~~

~~(3)(4) Reporting Requirements Subsequent to Licensure or Commencement of Services. All holders of a certificate of need that was issued predicated upon conditions expressed on the face of the certificate of need shall provide annual compliance reports to the agency. The reporting period shall be January 1 through December 31 of each year. The holder of a certificate of need who began operation after January 1 will report from the date operation began through December 31. The compliance report shall be submitted no later than April 1 of the subsequent year.~~

(a) The compliance report will contain information necessary for an assessment of compliance with conditions on the certificate of need, utilizing measures, such as a percentage of patient days, that are consistent with the stated condition. The following information shall be provided in the holder's annual compliance report:

2. The measure for assessing compliance with each of the conditions identified and described on the face of the certificate of need;

1. The time period covered by the measures;

3. The way in which the conditions were evaluated by applying the measures;

4. The data sources used to generate information about the conditions that were measured;

5. The person and position responsible for supplying the compliance report;

6. Any other information necessary for the agency to determine compliance with conditions; and,

7. If applicable, the reason or reasons, with supporting data, why the certificate of need holder was unable to meet the conditions set forth on the face of the certificate of need.

(b) A change in the licensee for a facility or service does not affect the obligation for that facility or service to continue to meet conditions imposed on a certificate of need and to provide annual condition compliance reports.

(c) Conditions imposed on a certificate of need may be modified consistent with Rule 59C-1.019, F.A.C.

~~(4)(5) Violation of Certificate of Need Conditions. Health care providers found by the agency to be in noncompliance with conditions set forth in their certificate of need shall be fined as defined in Rule 59C-1.021, F.A.C.~~

Specific Authority 408.034(5), 408.15(8) FS. Law Implemented 408.040(1)(2)(3) FS. History—New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 2-1-81, 3-31-82, Formerly 10-5.13, Amended 11-24-86, 7-25-89, Formerly 10-5.013, Amended 10-18-95, 11-4-97, 12-12-00,_____.

59C-1.030 Criteria Used in the Evaluation of Applications.

In addition to criteria set forth in Section 408.035, Florida Statutes, the following criteria are used in the review of an application.

(1) ~~General Provisions (Reserved) For applications for general hospitals as defined in Section 395.002, F.S. the following are the only criteria for evaluation which apply:~~

(a) ~~The need for the health care facilities and health services being proposed.~~

(b) ~~The availability, accessibility, and extent of utilization of existing health care facilities and health services in the service district of the applicant.~~

(c) ~~The extent to which the proposed services will enhance access to health care for residents of the service district.~~

(e) ~~The extent to which the proposal will foster competition that promotes quality and cost-effectiveness.~~

(f) ~~The applicant's past and proposed provision of health care services to Medicaid patients and the medically indigent.~~

(2) through (3) No change.

Specific Authority 408.15(8), 408.034(3)(5) FS. Law Implemented 408.035 FS. History—New 1-1-77, Amended 11-1-77, 6-5-79, 4-24-80, 2-1-81, 4-1-82, 11-9-82, 2-14-83, 4-7-83, 6-9-83, 6-10-83, 12-12-83, 3-5-84, 5-14-84, 7-16-84, 8-30-84, 10-15-84, 12-25-84, 4-9-85, Formerly 10-5.11. Amended 6-19-86, 11-24-86, 1-25-87, 3-2-87, 3-12-87, 8-11-87, 8-7-88, 8-28-88, 9-12-88, 4-19-89, 10-19-89, 5-30-90, 7-11-90, 8-6-90, 10-10-90, 12-23-90, Formerly 10-5.011(1)(a), (b), Formerly 10-5.030, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Calvin J. Vice, Sr., PhD

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-11.008
 RULE TITLE: Reapplication by Persons Whose Licenses Have Been Revoked by the Board

PURPOSE AND EFFECT: The Board proposes to repeal the rule.

SUMMARY: The rule will be repealed.

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: 456.072(5), 490.004(4) FS.

LAW IMPLEMENTED: 456.072(5), 490.009 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: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.008 Reapplication by Persons Whose Licenses Have Been Revoked by the Board.

~~(1) Applicants whose licenses have been revoked by the Board may not reapply for licensure until at least seven (7) years have elapsed since the latter of the Board's final order of revocation or the issuance of the final mandate from an appellate court affirming the revocation of licensure by the Board.~~

~~(2) The Board will not entertain any application for relicensure until and unless the applicant whose license has been revoked by the Board has complied with any order of the Board which imposed a fine or set conditions to be met by the applicant.~~

~~(3) Applicants whose licenses have been revoked by the Board must meet all the requirements for licensure that exist at the time of reapplication, including examination. In addition, applicants whose licenses have been revoked by the Board must appear before the Board. At that appearance and after discussion with the applicant, the Board may impose additional conditions on the applicant to satisfy the Board that the applicant has been rehabilitated and is capable of safely providing services to the public as a psychologist licensed under Chapter 490, F.S.~~

Specific Authority 456.072(5), 490.004(4) FS. Law Implemented 456.072(5), 490.009 FS. History--New 11-18-92, Formerly 21U-11.010, 61F13-11.010, Amended 6-26-97, Formerly 59AA-11.008, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Psychology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2008

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: 64B24-8.003
 RULE TITLE: Citations

PURPOSE AND EFFECT: To designate those violations for which a citation is an appropriate penalty and may be issued and the amount of fine or other penalty to be imposed.

SUMMARY: The rule designates the fine amounts and that citations shall be issued for failure to pay the one time fee assessment as well as for other first-time failures to adhere to professional conduct or to provide identification where there is no patient harm.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:

(a) There are approximately 126 midwives licensed under Chapter 466, Florida Statutes, with active licenses who would be offered the opportunity to accept a citation for the listed offenses rather than face the full disciplinary process for a violation. Some of these licensees fall under the definition of a small business.

(b) The costs to the agency for issuing citations to licensed midwives are no greater than for the other professions for which citations are routinely offered. For the agency, the costs involved with issuing citations are lower than the costs for imposing discipline under Section 456.073, Florida Statutes.

(c) Transactional costs for all involved are lower than the costs when discipline is imposed in accordance with Section 456.073, Florida Statutes.

(d) To the extent that any licensed midwives are small businesses, it is anticipated that the costs are far lower than the costs of litigation or proceeding under Section 456.073, Florida Statutes; however, any person who is offered a citation, has the option to refuse to accept a citation and to proceed under the normal disciplinary process.

(e) Thus far, the department has not received from any person a good faith written proposal for a lower cost regulatory alternative.

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: 456.072(3), 456.077, 467.005 FS.
 LAW IMPLEMENTED: 456.072(3), 456.077 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christy Robinson, Acting Executive Director, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-8.003 Citations.

(1) The Department designates the following as citation violations:

(a) Failure to pay the one time fee assessment by December 31, 2008 – \$100 fine.

(b) Failure to notify the Department of a change of address within 60 days – \$100 fine.

(c) First-time failure to complete the continuing education requirements within the biennium as required by Section 467.012(3), F.S. and Rule 64B24-6.001, F.A.C. – \$25 fine per continuing education hour plus proof of completing the continuing education within three months.

(d) First-time engagement in unprofessional conduct under Section 467.203(1)(f), F.S. where no patient harm occurred – \$300 fine.

(e) First-time failure to maintain proof of professional liability insurance for less than three months – \$200 fine.

(f) First-time printing or publication of a misleading or deceptive advertisement – \$150 fine.

(g) Failure to identify through written notice, or name tag, or orally to a patient that the practitioner is a licensed midwife – \$100 fine.

(2) The penalty specified in the citation shall be the sum of the penalty established by this rule plus the Department’s cost of investigation.

(3) If the subject does not dispute the citation within 30 days after service, the citation becomes a final order of the Department.

Specific Authority 456.072(3), 456.077, 467.005 FS. Law Implemented 456.072(3), 456.077 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Christy Robinson
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 12, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2008

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-5.1203	General Provisions
64E-5.1204	Certification Requirements for Radon Measurement Specialists and Technicians
64E-5.1205	Certification Requirements for Radon Mitigation Specialists and Technicians
64E-5.1206	Certification Requirements for Radon Measurement Businesses
64E-5.1207	Certification Requirements for Radon Mitigation Businesses

PURPOSE AND EFFECT: The proposed changes to Chapter 64E-5, Florida Administrative Code, address a shortfall in fee revenues for services provided by the Radon Certification Program. Twenty years ago (1988), the certification fees were set at the minimum of the range, \$200.00, for all radon certification categories in Chapter 64E-5, F.A.C. No fee revisions have been made since the original fee implementation while inflation as calculated by the consumer price index has increased by 75%. A review of fee revenue versus expenditures for the fiscal year starting in 2004 through that ending in 2007, found that average revenues for the period covered only 55% of expenditures. These rule amendments reflect an increase in radon certification fees designed to ensure the future fiscal health of the certification program. Fees are to increase over a four year period in order to lessen the impact on industry.

SUMMARY: Areas addressed include fees for services in the Radon Certification Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The principal financial impact of this rule will come from program fees. It is estimated that at the end of the four year period approximately \$75,000 in additional fees will be generated annually. These fees include annual radon certificate fees for measurement and mitigation technicians, specialists and businesses. Since this rule impacts businesses that range in size from large environmental assessment firms to small sole proprietor home inspection companies, the program fees will impact small businesses.

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: 404.056 FS.

LAW IMPLEMENTED: 404.056 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: December 22, 2008, 3:00 p.m.
 PLACE: Bureau of Community Environmental Health, Conference Room 225Q, Capital Circle Office Center, 4042 Bald Cypress 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 7 days before the workshop/meeting by contacting: Val Grant, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710. 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: Eric Grimm, Chief, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-5.1203 General Provisions.

(1) through (6) No change.

(7) A request for annual certification renewal shall be submitted with a nonrefundable renewal fee of ~~\$200~~. For renewal requests received prior to expiration of the certification, the fee schedule set forth in this part will apply. For renewal requests received after certification has expired, the fee schedule for application and certification will apply. A certification renewal shall be issued or denied according to the criteria set forth in this part.

(a) Annual certification renewal fee schedule.

1. Radon Measurement or Mitigation Business.

Renewal request received on or before June 30, 2009: \$200

Renewal request received between July 1, 2009 and June 30, 2010: \$275

Renewal request received between July 1, 2010 and June 30, 2011: \$350

Renewal request received between July 1, 2011 and June 30, 2012: \$425

Renewal request received on or after July 1, 2012: \$500

2. Radon Measurement or Mitigation Specialist

Renewal request received on or before June 30, 2009: \$200

Renewal request received between July 1, 2009 and June 30, 2010: \$250

Renewal request received between July 1, 2010 and June 30, 2011: \$300

Renewal request received between July 1, 2011 and June 30, 2012: \$350

Renewal request received on or after July 1, 2012: \$400

3. Radon Measurement or Mitigation Technician

Renewal request received on or before June 30, 2009: \$200

Renewal request received between July 1, 2009 and June 30, 2010: \$225

Renewal request received between July 1, 2010 and June 30, 2011: \$250

Renewal request received between July 1, 2011 and June 30, 2012: \$275

Renewal request received on or after July 1, 2012: \$300

(8) through (11) No change.

Specific Authority ~~404.042, 404.051, 404.056 FS.~~ Law Implemented 404.051~~(4), (10)~~, 404.056~~(5)~~, 404.071~~(4)~~ FS. History—New 1-3-89, Amended 5-21-90, 10-24-90, 1-18-94, 12-9-96, Formerly 10D-91.1304, Amended _____.

64E-5.1204 Certification Requirements for Radon Measurement Specialists and Technicians.

(1) The following is required for certification as a radon measurement specialist and measurement technician:

(a) The individual shall submit an application on DH Form 1751 Jan. 93, which is herein incorporated by reference and which is available from the department. The application shall include the nonrefundable application and certification fee according to the fee schedule set forth in this part ~~of \$200~~ and documentation of the applicant's relevant education and experience, as specified on DH Form 1751 Jan. 93.

(b) Individuals who have never been certified must have attended within the last 2 years of the training examination date a course on radon measurement that has been approved by the department. The technician applicant also shall have received a score of 65 percent or greater on the measurement technician training examination to be administered by the department at least three times per year. The specialist applicant also shall have received a score of 75 percent or greater on the measurement specialist training examination to be administered by the department at least three times each year. If a specialist applicant receives a score of less than 75 percent but greater than or equal to 65 percent, he can be certified as a measurement technician by making a written request to the department for a change from specialist to technician. If an applicant wishes to be reexamined for specialist or technician certification, he must reapply by submitting a completed application with experience history and ~~a~~ the \$200 nonrefundable application and certification fee. On approval of the new application, the applicant can take the next scheduled department exam. Applicants can review their exam results during normal working hours at the department's office in Tallahassee by requesting an appointment at least 5 business days prior to the review.

(c) Application and certification fee schedule.

1. Radon Measurement Specialist.

Application received on or before June 30, 2009: \$200

Application received between July 1, 2009 and June 30, 2010: \$275

Application received between July 1, 2010 and June 30, 2011: \$325

Application received between July 1, 2011 and June 30, 2012: \$375

Application received on or after July 1, 2012: \$425

2. Radon Measurement Technician

Application received on or before June 30, 2009: \$200

Application received between July 1, 2009 and June 30, 2010: \$250

Application received between July 1, 2010 and June 30, 2011: \$275

Application received between July 1, 2011 and June 30, 2012: \$300

Application received on or after July 1, 2012: \$325

(2) No change.

Specific Authority ~~404.042~~, 404.051, 404.056, 404.071 FS. Law Implemented ~~404.051(1), (4)~~, ~~404.056(5)~~, ~~404.071(3)~~ FS. History—New 1-3-89, Amended 5-21-90, 10-24-90, 1-18-94, 12-9-96, Formerly 10D-91.1305, Amended _____.

64E-5.1205 Certification Requirements for Radon Mitigation Specialists and Technicians.

(1) The following is required for certification as a radon mitigation specialist and technician:

(a) The individual shall submit an application on DH Form 1751 Jan. 93, a nonrefundable application and certification fee according to the fee schedule set forth in this part of \$200, and documentation of the applicant’s relevant education and experience, as specified on DH Form 1751 Jan. 93.

(b) Individuals who have never been certified must have attended within 2 years of the training examination date a course on radon diagnostics and mitigation that has been approved by the department. The technician applicant also shall have received a score of 60 percent or greater on the mitigation technician training examination to be administered by the department at least three times per year. The specialist applicant also shall have received a score of 70 percent or greater on the mitigation specialist training examination to be administered by the department at least three times each year. If a specialist applicant receives a score of less than 70 percent but greater than or equal to 60 percent, he can be certified as a mitigation technician by making a written request to the department for a change from specialist to technician. If an applicant wishes to be reexamined for specialist or technician certification, he must reapply by submitting a completed application with experience history and a the nonrefundable \$200 application and certification fee. After approval of the new application, the applicant can take the next scheduled department exam. Applicants can review their exam results during normal working hours at the department’s office in Tallahassee by requesting an appointment at least 5 business days prior to the review.

(c) Application and certification fee schedule.

1. Radon Mitigation Specialist.

Application received on or before June 30, 2009: \$200

Application received between July 1, 2009 and June 30, 2010: \$275

Application received between July 1, 2010 and June 30, 2011: \$325

Application received between July 1, 2011 and June 30, 2012: \$375

Application received on or after July 1, 2012: \$425

2. Radon Mitigation Technician

Application received on or before June 30, 2009: \$200

Application received between July 1, 2009 and June 30, 2010: \$250

Application received between July 1, 2010 and June 30, 2011: \$275

Application received between July 1, 2011 and June 30, 2012: \$300

Application received on or after July 1, 2012: \$325

(2) No change.

Specific Authority ~~404.042~~, 404.051, 404.056, 404.071 FS. Law Implemented ~~404.051(1), (4)~~, ~~404.056(5)~~, ~~404.071(3)~~ FS. History—New 1-3-89, Amended 5-21-90, 10-24-90, 1-18-94, 12-9-96, Formerly 10D-91.1306, Amended _____.

64E-5.1206 Certification Requirements for Radon Measurement Businesses.

The following qualifications are required for certification as a radon measurement business:

(1) Submission of an application for certification on DH Form 1749 Jan. 93, which is herein incorporated by reference and which is available from the department, and a nonrefundable application and certification fee of \$200, from the following schedule:

Application received on or before June 30, 2009: \$200

Application received between July 1, 2009 and June 30, 2010: \$300

Application received between July 1, 2010 and June 30, 2011: \$375

Application received between July 1, 2011 and June 30, 2012: \$450

Application received on or after July 1, 2012: \$525

(2) through (12) No change.

Specific Authority ~~404.042~~, 404.051, 404.056, 404.071 FS. Law Implemented ~~404.051(1), (3), (4), (7), (8)~~, ~~404.056(5)~~, ~~404.071(3)~~ FS. History— New 1-3-89, Amended 10-24-90, 1-18-94, 12-9-96, Formerly 10D-91.1309, Amended _____.

64E-5.1207 Certification Requirements for Radon Mitigation Businesses.

The following qualifications are required for certification as a radon mitigation business:

(1) Submission of an application on DH Form 1749 Jan. 93, and a nonrefundable application and certification fee from the following schedule: of \$200.

Application received on or before June 30, 2009: \$200

Application received between July 1, 2009 and June 30, 2010: \$300

Application received between July 1, 2010 and June 30, 2011: \$375

Application received between July 1, 2011 and June 30, 2012: \$450

Application received on or after July 1, 2012: \$525

(2) through (18) No change.

Specific Authority ~~404.042~~, 404.051, 404.056, 404.071 FS. Law Implemented 404.051~~(3)~~, ~~(4)~~, ~~(7)~~, ~~(8)~~, 404.056~~(5)~~, 404.071~~(3)~~ FS. History--New 1-3-89, Amended 10-24-90, 1-18-94, 12-9-96, Formerly 10D-91.1310, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Clark Eldredge, Environmental Administrator, Bureau of Community Environmental Health

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Viamonte Ros, State Surgeon General, Department of Health

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-64.005
 RULE TITLE: Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: To adopt price level changes relating to firefighter death benefits in Section 112.191, Florida Statutes, for the year 2008-2009.

SUMMARY: Firefighter death benefits in Section 112.191, Florida Statutes are raised annually to reflect price level changes.

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: 112.191 FS.

LAW IMPLEMENTED: 112.191 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, December 19, 2008, 10:00 a.m.

PLACE: Third Floor Conference Room, The Atrium Building, 325 John Knox Road, Tallahassee, Florida 32303

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Georgia Dowell, (850)413-3170. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Bannister, Division of State Fire Marshal, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0340. Phone: (850)413-3170; Fax: (850)922-1235

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-64.005 Adjustments to Reflect Consumer Price Index.

(1) No change.

(2) The amounts payable for the period from July 1, ~~2008~~ ~~2007~~ through June 30, ~~2009~~ ~~2008~~, using the Consumer Price Index for all urban consumers published by the United States Department of Labor for March, ~~2008~~ ~~2007~~, which is the most recent month for which data is available as of the time of the adjustment, are:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, F.S.: ~~\$60,140.00~~ ~~57,759.00~~.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, F.S.: ~~\$60,140.00~~ ~~57,759.00~~.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, F.S.: ~~\$175,565.91~~ ~~173,278.31~~.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History--New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended 7-13-04, 6-30-05, 8-1-06, 4-7-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Bannister, Division of State Fire Marshal, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, State of Florida Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2008

(e)	Form DFS-F2-DWC-4	___ 8/04	Notice of Action/Change
(f)	Form DFS-F2-DWC-12	___ 8/04	Notice of Denial
(g)	Form DFS-F2-DWC-13	___ 8/04	Claim Cost Report
(h)	Form DFS-F2-DWC-14	___ 8/04	Request for Social Security Disability Benefit Information
(i)	Form DFS-F2-DWC-19	___ 8/04	Employee Earnings Report
(j)	Form DFS-F2-DWC-30	___ 8/04	Authorization and Request for Unemployment Compensation Information
(k)	Form DFS-F2-DWC-33	___ 8/04	Permanent Total Off-Set Worksheet
(l)	Form DFS-F2-DWC-35	___ 8/04	Permanent Total Supplemental Worksheet
(m)	Form DFS-F2-DWC-40	___ 8/04	Statement of Quarterly Earnings for Supplemental Income Benefits
(n)	Form DFS-F2-DWC-49	___ 8/04	Aggregate Claims Administration Change Report
(o)	Form DFS-F2-DWC-60	8/04	Important Workers' Compensation Information for Florida's Workers
(p)	Form DFS-F2-DWC-61	8/04	Informacion Importante De Seguro De Indemnizacion Por Accidentes De Trabajo Para Los Trabajadores De La Florida
(q)	Form DFS-F2-DWC-65	8/04	Important Workers' Compensation Information for Florida's Employers
(r)	Form DFS-F2-DWC-66	8/04	Informacion Importante Del Seguro De Indemnizacion Por Accidentes De Trabajo Para Los Empleadores De La Florida

(2) The Division will not supply the forms promulgated under this chapter, but will make sample forms available on the Division's web site: <http://www.fldfs.com/wc>.

(3) For a transitional period of 90 days from the effective date of this rule, an insurer or claims-handling entity may use forms identified and adopted in subsection 69L-3.025(1), F.A.C., or the corresponding form(s) in effect prior to the adoption of this rule. After the completion of the 90 day transitional period, only the forms adopted in this rule may be used.

Specific Authority 440.15, 440.185, 440.20, ~~440.591~~ ~~440.345~~ FS. Law Implemented 440.14(3), 440.15(1), (4), (9), (10), 440.185(4), (5), (10), 440.20(2), (3), 440.345, 440.35, 440.51(6), (9) FS. History--New 4-11-90, Amended 1-30-91, 11-8-94, 11-11-96, 11-25-96, Formerly 38F-3.025, 4L-3.025, Amended 1-10-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robin Ippolito, Bureau Chief, Bureau of Monitoring & Audit, Division of Workers' Compensation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 12, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE NOS.:	RULE TITLES:
69L-10.006	Definitions
69L-10.012	Review of Proof of Claim
69L-10.015	Deemed Denial – 120 Day Time Period
69L-10.016	Documenting Expenditures for Purposes of Obtaining Reimbursement
69L-10.017	Reimbursement to Subsequent Employer
69L-10.019	Forms

PURPOSE AND EFFECT: To revise forms to comply with Section 119.071(5), F.S. (2007), that precludes an agency from collecting an individual's social security number unless such collection conforms to specified provisions of that statute. Forms SDF-1 (Proof of Claim), and SDF-2 (Reimbursement Request), incorporated by reference in Rule 69L-10.019, F.A.C., are renumbered, and amended so that the collection of the social security number is discontinued. Form SDF-6 (Explanation of Benefits), incorporated by reference in Rule 69L-10.016, F.A.C., is renumbered, and amended so that the collection of the social security number is discontinued. In lieu of social security numbers, the revised forms shall utilize an "SDTF Claim Number" for purposes of identifying and tracking claims. Rule 69L-10.017, F.A.C., is deleted, as there is no statutory authority for the reimbursements prescribed in the rule. In addition, Form SDF-5 (Claim for Reimbursement for Salary), incorporated by reference in Rule 69L-10.019, F.A.C., is deleted from the rule for the same reason. Finally, Rule

69L-10.006, F.A.C., is amended to reflect the renumbering of Form SDF-6 to DFS-F1-SDF-6. Rule 69L-10.012, F.A.C., and Rule 69L-10.015, F.A.C., are amended to reflect the renumbering of Form SDF-1 to DFS-F1-SDF-1 and to amend the rules specific authority. Rule 69L-10.016, F.A.C., is amended to reflect the renumbering of Form SDF-2 to DFS-F1-SDF-2 and also amends the rule's specific authority. SUMMARY: Deletes Rule 69L-10.017, F.A.C., revises forms to eliminate the collection of social security numbers, and deletes other obsolete forms.

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: 440.49(2), (7), 440.591 FS.

LAW IMPLEMENTED: 440.49 FS.

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

DATE AND TIME: Thursday, December 18, 2008, 10:00 a.m.

PLACE: 104J Hartman Bldg., 2012 Capital Circle S.E., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eric Lloyd at (850)413-1689. 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: Eric Lloyd, Manager, Special Disability Trust Fund, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4223, phone (850)413-1689

THE FULL TEXT OF THE PROPOSED RULES IS:

69L-10.006 Definitions.

(1) CLAIMANT – an insurance carrier, self-insurance fund, or employer seeking reimbursement from the SDTF.

(2) REPRESENTATIVE – a person representing a claimant such as an attorney or a service organization.

(3) NOTICE OF CLAIM – The document[s] submitted by a claimant that places the SDTF on notice of the claim.

(4) PROOF OF CLAIM – The document[s] submitted by a claimant that includes a completely filled out DFS Form ~~DFS-F1-SDF-1~~ (rev. ~~12/94~~) with all required documents attached to fully support the claim.

Specific Authority 440.49(2), 440.591 FS. Law Implemented 440.49 FS. History–New 4-19-92, Amended 8-18-93, Formerly 38F-10.006, 4L-10.006, Amended.

69L-10.012 Review of Proof of Claim.

The SDTF will not consider a claim ripe, or mature, for review purposes, until a Proof of Claim is filed complete with all the necessary documents required by DFS Form ~~DFS-F1-SDF-1~~ (Rev. ~~12/94~~). If a Proof of Claim is placed in line for review and it is discovered that certain documents or required information have not been provided by the claimant, the SDTF will advise the claimant in writing of the incomplete claim and will not review the claim until the missing information or document has been supplied by the claimant.

Specific Authority ~~440.49(7), 440.591~~ ~~440.49(2)(g)~~ FS. Law Implemented 440.49(2) FS. History–New 4-19-92, Formerly 38F-10.012, 4L-10.012, Amended.

69L-10.015 Deemed Denial – 120 Day Time Period.

The 120 days that the SDTF has to accept a claim after it has been filed begins to run at the time the SDTF receives a fully completed Proof of Claim on DFS Form ~~DFS-F1-SDF-1~~ (Rev. ~~12/94~~). Upon receipt of said form the SDTF shall notify the claimant within twenty-one (21) days of receipt that said form is complete and contains the required documents. If the form is complete the 120 days begins to run. If it is not complete and the SDTF notifies the claimant within the twenty-one (21) day period, then the 120 days from notice of claim does not begin to run until the claimant submits all the required documents necessary to support the claim.

Specific Authority ~~440.49(7)~~ ~~440.49(2)(g)~~ FS. Law Implemented 440.49(2) FS. History–New 4-19-92, Formerly 38F-10.015, 4L-10.015, Amended.

69L-10.016 Documenting Expenditures for Purposes of Obtaining Reimbursement.

In order to obtain reimbursement after an offer of reimbursement has been extended by the Fund, an employer/carrier shall file with the Fund a Form ~~DFS-F1-SDF-2~~ SDF-2, as adopted in Rule 69L-10.019, F.A.C., with supporting schedules and documentation of expenditures as set forth below.

(1) Expenditures for Medical Benefits. Expenditures for medical benefits must be documented by the submission of applicable Division forms, as adopted in Rule 69L-3.025, F.A.C., showing compliance with the fee schedules adopted in Rule 69L-7.020, F.A.C., and applicable utilization review procedures such as medical bills marked “paid” or an EOB that was completed contemporaneously with the processing of the medical payments together with corroborating documentation of amount paid (e.g., computer printouts, ledger sheets, or copies of checks). The EOB shall be in the format prescribed

by the Fund in DFS Form ~~DFS-F1-SDF-6~~~~SDF-6~~, REV. ~~8/98~~, which form is hereby adopted by reference. DFS form ~~DFS-F1-SDF-6~~~~SDF-6~~ may be obtained from the SDTF at the address set out in Rule 69L-10.019, F.A.C. If the carrier is unable to provide the data on the forms adopted by this section they may submit their own version of an EOB provided that it contains all of the elements of the ~~DFS-F1-SDF-6~~~~SDF-6~~. The SDTF shall request additional information documenting expenditures by health care providers if necessary to prove that the benefits requested for reimbursement are related to the injury and are required to be provided under Section 440.49, F.S. Computer printouts or ledger sheets are not acceptable forms of documenting expenditures for medical benefits unless accompanied by medical bills marked paid or an ~~DFS-F1-SDF-6~~~~SDF-6~~ or its equivalent.

(2) Expenditures for Compensation Voluntarily Paid.

(a) When temporary or permanent disability compensation, permanent impairment benefits, or death benefits have been voluntarily paid, such benefits may be documented by Progress/Final Report, DFS DWC-13 forms, as adopted in Rule 69L-3.025, F.A.C., which were prepared contemporaneously with payment, or by copies of checks. If the DWC-13 forms were not prepared contemporaneously with the payment of compensation, computer printouts or ledger sheets may be used to corroborate the payment. However, in regard to each of these classes of benefits, if the total payment listed on the DWC-13 form, printout, or ledger for a particular class is greater than the rate of compensation multiplied by the number of calendar weeks in the period, copies of checks must be supplied to document expenditures.

(b) When wage-loss benefits have been voluntarily paid, such benefits shall be documented only by copies of checks or by copies of fully completed Request for Wage Loss/Temporary Partial Benefits, DWC-3 forms, as adopted in Rule 69L-3.025, F.A.C.

(3) Expenditures for Compensation Pursuant to Order. When temporary or permanent disability compensation, permanent impairment benefits, death benefits or wage-loss benefits have been paid pursuant to an order of the Judge of Compensation Claims, which has become final, payment can be documented by providing a copy of the order.

(4) Miscellaneous.

(a) Changes in the rate of compensation shall be established by Notice of Action/Change, DFS DWC-4 forms and by DFS DWC-13 forms, as adopted in Rule 69L-3.025, F.A.C., which set forth the number of weeks paid at each rate of compensation. If the DWC-13 forms were not prepared contemporaneously with payment, then computer printouts or ledger sheets may be used to corroborate the change in the compensation rate. Copies of checks are also a sufficient means of documenting changes in the rate of compensation.

(b) Changes in the class of benefits paid by the employer/carrier shall be documented by DFS DWC-4 forms which set forth the date that a prior category of benefits was terminated, as well as the date that a subsequent class of benefits was first paid.

Specific Authority ~~440.49(7)~~, ~~440.49(2)(g)~~, 440,591 FS. Law Implemented ~~440.49(2)~~ FS. History—New 4-19-92, Amended 8-18-93, 12-8-98, Formerly 38F-10.016, 4L-10.016, Amended.

69L-10.017 Reimbursement to Subsequent Employer.

~~(1) An employer may seek reimbursement pursuant to the provisions of paragraph 440.49(2)(k), Florida Statutes, which would reimburse the employer for hiring an employee who has incurred a permanent impairment from a Florida workers' compensation injury and has been unemployed as a result of his injury for two (2) consecutive years after the date of accident.~~

~~(2) Any employer seeking reimbursement shall file a Claim For Reimbursement for Salary on DFS Form SDF-5 (12/91). The Claim for Reimbursement for Salary shall be filed within a six (6) month period from the date the employee is hired or the claim is forever barred.~~

~~(3) Any Claim for Reimbursement for Salary that is denied by the SDTF will be barred unless the claimant files an application for hearing with the Division within sixty (60) days after receipt of notice that their claim has been denied. The application for hearing shall be filed in the manner as provided by Section 440.49(2)(g), Florida Statutes.~~

Specific Authority 440.49(2)(k) FS. Law Implemented 440.49(2) FS. History—New 4-19-92, Formerly 38F-10.017, 4L-10.017, Repealed.

69L-10.019 Forms.

The following forms are incorporated by reference into these rules and are available from and shall be filed with: SDTF, Division of Workers' Compensation, 200 East Gaines Street, Tallahassee, FL 32399-4223.

(1) DFS Form ~~DFS-F1-SDF-1~~~~SDF-1~~ – Proof of Claim (Rev. ~~12/91~~).

(2) DFS Form ~~DFS-F1-SDF-2~~~~SDF-2~~ – Reimbursement Request For Reimbursement (Rev. ~~3/92~~).

~~(3) DFS Form SDF-5 — Claim For Reimbursement for Salary (9/91).~~

Specific Authority ~~440.49(7)~~, ~~440.591~~, ~~440.49(2)(g)~~, ~~440.30~~ FS. Law Implemented ~~440.49(2)~~ FS. History—New 4-19-92, Amended 8-18-93, Formerly 38F-10.019, 4L-10.019, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Eric Lloyd, Manager, Special Disability Trust Fund, Division of Workers' Compensation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2008

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NOS.:	RULE TITLES:
5M-10.001	Purpose and Applicability
5M-10.002	Definitions
5M-10.003	Land Application Requirements
5M-10.004	Record Keeping

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. 34, No. 33, August 15, 2008 issue of the Florida Administrative Weekly.

5M-10.001 Purpose and Applicability.

No change.

Specific Authority 373.4595(4)(a)2.g., 373.4595(4)(b)2.g. FS. Law Implemented 373.4595 (4)(a)2.g., 373.4595 (4)(b)2.g. FS. History-New_____.

5M-10.002 Definitions.

(1) No change.

(2) “Technical Service Provider” is an individual, entity, or public agency certified by the Natural Resources Conservation Service (NRCS) and placed on the approved list to provide technical services to program participants.

(3)(2) “Conservation Plan” is a record of the decisions and supporting information for treatment of a unit of land or water consistent with the NRCS Field Office Technical Guide (FOTG) quality criteria for soil, water, air, plants, and animals; and takes into account economic and social considerations. The plan must be consistent with the NRCS National Planning Procedures Handbook, Amendment 4, December 2006, hereby incorporated by reference, as amended, be approved by NRCS or an ~~authorized~~ technical service provider, and specify the schedule of operations and activities needed to address identified natural resource issues. The Handbook National Planning Procedures Handbook, Amendment 4, may be viewed at <http://www.floridaagwaterpolicy.com> ~~http://policy.nrcs.usda.gov~~, or obtained from USDA/NRCS, P. O. Box 141510, 2614 N. W. 43rd St., Gainesville, FL 32614-1510.

(4)(3) “Nutrient Management Plan” is planned actions developed in accordance with Section IV, Code 590 of United States Department of Agriculture-Natural Resources Conservation Service (NRCS) FOTG, FL, September 2007, hereby incorporated by reference. Nutrient Management Plans specify the amount, placement, form, and timing of the application of nutrients, including manure, animal by-products, and soil amendments. The plan must be approved by NRCS or an ~~authorized~~ technical service provider. Code 590, Nutrient Management, may be viewed at <http://www.floridaagwaterpolicy.com> ~~http://www.nrcs.usda.gov/Technical/efotg/~~, or obtained from NRCS, P. O. Box 141510, 2614 N. W. 43rd St., Gainesville, FL 32614-1510.

Specific Authority 373.4595(4)(a)2.g., 373.4595(4)(b)2.g. FS. Law Implemented 373.4595 (4)(a)2.g., 373.4595 (4)(b)2.g. FS. History-New_____.

5M-10.003 Land Application Requirements.

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

(c) Not apply manure within 30 feet of any wetland, lake, stream or estuary sinkhole, wetland or other surface waters as defined in Section 403.031, F.S.; and

(d) No change.

(2)(a) No change.

(b) Not apply manure within 50 feet of any wetland, lake, stream or estuary sinkhole, wetland or surface waters as defined in Section 403.031, F.S.

Specific Authority 373.4595(4)(a)2.g., 373.4595(4)(b)2.g. FS. Law Implemented 373.4595 (4)(a)2.g., 373.4595 (4)(b)2.g. FS. History-New_____.

5M-10.004 Record Keeping.

No change.

Specific Authority 373.4595(4)(a)2.g., 373.4595(4)(b)2.g. FS. Law Implemented 373.4595 (4)(a)2.g., 373.4595 (4)(b)2.g. FS. History-New_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.03018	Special Programs for Students with Specific Learning Disabilities

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 38, September 19, 2008 Florida Administrative Weekly has been continued from December 2, 2008 to January 20, 2009.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-10.0342	Vocational Education Program Performance Reporting