

~~3. Collection of data on both prehospital and hospital patient care data, as defined by the trauma agency plan.~~

~~4. Documentation of the continuum of care and quality of medical care for all trauma patients from injury through rehabilitation or death.~~

~~2.5. Documentation that all trauma centers in the geographic area participate of the trauma agency participate in trauma agency's quality assurance and improvement processes.~~

3. Description of public and healthcare education, injury prevention activities, and outreach programs, conducted in the trauma agency's geographical area, which are designed to prevent, reduce the incidence of and improve the care for traumatic injuries within the defined geographic area.

4. Documentation of data, including the nature of injuries and trends identified in the trauma agency's defined geographic area.

5. Documentation of monitoring the effectiveness of the adult and pediatric trauma alert criteria with regard to determination of appropriate destinations.

~~6. Results of monitoring for compliance with trauma registry reporting requirements.~~

(3) Each trauma agency shall have personnel or arrange for management service personnel with clear authority and responsibility to operate the trauma agency. The administrative function of the trauma agency shall not be carried out or performed under the direct supervision of any individual who administers or operates any health care entity in the trauma system, whether a single or multi-county system.

Specific Authority 395.405, 401.35 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.405, 401.35 FS. History--New 12-10-92, Formerly 10D-66.1065, Amended 8-4-98, 11-19-01, 11-24-02, 6-9-05, Formerly 64E-2.0021, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Susan McDevitt, Office of Trauma, Department of Health, 4052 Bald Cypress Way, Bin C-18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2760; Email: susan\_mcdevitt@doh.state.fl.us; Fax: (850)488-2512

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 21, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

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

#### DEPARTMENT OF STATE

##### Division of Library and Information Services

RULE NOS.:	RULE TITLES:
1B-24.001	General
1B-24.003	Records Retention Scheduling and Dispositioning

#### NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 46, November 14, 2008 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 14, 2008

Change to:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2008

#### 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."

#### WATER MANAGEMENT DISTRICTS

##### Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-2.091	Publications Incorporated by Reference

#### 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. 38, September 19, 2008 issue of the Florida Administrative Weekly.

Changes are made to the following document incorporated by reference in subsection 40D-2.091(1), F.A.C.

WATER USE PERMIT INFORMATION MANUAL, PART B, BASIS OF REVIEW

Within Section 3.6 Public Supply:

#### CONSERVATION REQUIREMENTS

The public supply permittee water conservation requirements included within the remainder of this Subsection 3.6, unless specifically designated to apply within the SWUCA only, shall apply to all public supply utilities and suppliers with Permits that are granted for an annual average daily quantity of 100,000 gallons per day or greater, as well as wholesale customers supplied by another entity which obtain an annual

average daily quantity of 100,000 gallons per day or greater. Failure of a wholesale customer to comply may result in modification of the wholesale permit to add a permit condition limiting or reducing the wholesale customer's quantities, or other actions by the District. Increased allocations for existing permits and allocations for public supply permits with an annual average daily quantity less than 100,000 gpd shall be based on a per capita use rate no greater than 150 gallons per day, plus allowable deductions and adjustments documented as set forth in the provisions below titled "Documentation of Per Capita Daily Water Use Calculations for the Annual Report". Changes to the proposed rule are shown in underline and strike through format.

#### CALCULATION OF PROJECTED PERMITTED QUANTITIES

1. New Applicants – New public water supply permit applicants shall be allocated an annual average daily quantity based on a projected compliance per capita rate no greater than 150 gpd, minus imports, plus a quantity that is equal to the allowable deductions and adjustments included in the calculation of a compliance per capita.  
[insert rule effective date]

2. Existing Permittees – For this paragraph 2., a Five Year Compliance Per Capita Rate shall be calculated as the average of the compliance per capita rate reported in the Annual Report for (effective year of rule) and the four years prior.

a. Permittees With A Five Year Compliance Per Capita Rate No Greater Than 150 Gpd As Of (effective year of rule) – Upon renewal or modification to address permitted quantities, annual average daily quantity allocations shall be based on:

i. If the projected compliance per capita rate is less than the five year compliance per capita rate, the allocation shall be based on the five year compliance per capita rate; however, the permittee shall have a compliance per capita at the end of the permit that is no greater than the projected compliance per capita rate; or no more than the lesser of 150 gpd or the most recent 5 year average compliance per capita when the projected compliance per capita is less than the 5 year average compliance per capita. When allocations are based on this provision, plus a quantity that is equal to the allowable deductions and adjustments included in the calculation of the compliance per capita, minus imports.

ii. A compliance per capita rate that is the lesser of 150 gpd or the ~~most recent~~ five year ~~average of~~ compliance per capita rates, unless the applicant demonstrates factors (e.g., there are changes in the customer classes served) that justify that a compliance per capita rate higher than the most recent five year average, but less than 150 gpd, be used, ~~it~~ plus, a quantity that is equal to the allowable deductions and adjustments included in the calculation of the compliance per capita, minus imports.

iii. ~~The (effective year) five year compliance per capita rate shall be calculated as the average of the compliance per capita rate reported in the Annual Report for (effective year of rule) and the four years prior.~~

b. Permittees With A Five Year Compliance Per Capita Rate Greater Than 150 Gpd As Of (effective year of rule) – In the event that the provisions of this section 2.b. conflict with the provisions of a permit or consent order existing as of (effective date of rule), the terms of the permit or consent order shall supersede this section 2.b. However, a permittee may request a modification of the permit condition or consent order in order to apply this section 2.b. in lieu of the applicable permit condition or consent order provision.

i. Upon renewal or modification to address permitted quantities, annual average daily quantity allocations shall be based on:

(a) A compliance per capita rate that is based on a year of interest allowable per capita determined pursuant to the provisions above titled "PER CAPITA DAILY WATER USE," Section D, Phase-In Where a Per Capita Rate of 150 gpd is Exceeded as of December 31, [year of effective date of rule],

(b) Plus, a quantity that is equal to the allowable deductions and adjustments included in the calculation of the compliance per capita minus imports.

The (effective year) five year compliance per capita rate shall be calculated as the average of the compliance per capita rate reported in the Annual Report for (effective year of rule) and the four years prior.

ii. Interpolating Per Capita –

(a) For purposes of calculating a projected permitted quantity for years between [effective year of rule] and [effective year of rule plus 5 years], the per capita rate utilized in determining annual quantities shall be based on a linear interpolation between the five year average compliance per capita rate calculated as of [effective year of rule] and the per capita rate that is 50% of the difference between that value and the per capita rate of 150 gpd as set forth in Section D.1 of Per Capita Daily Water Use.

(b) For purposes of calculating a projected permitted quantity for years between [effective year of rule plus 5 years] and [effective date of rule plus 10 years], the per capita rate utilized in determining annual quantities shall be based on a linear interpolation between the [effective year of rule plus 5 years] per capita value and the per capita rate of 150 gpd.

iii. Low or No Growth In Population – Where, based on the provisions of 2.b., above, if the quantity calculated for the last year of the proposed permit term, or ten years from [effective date of rule plus 10 years], whichever is earlier, is less than the quantity that is permitted as of (effective year of rule), or the most recent five year average compliance per capita rate upon renewal or modification, and the applicant's service area will have due to low or no growth in population,

The proposed quantity shall be calculated as follows to avoid permit quantity non-compliance at the time of permit issuance or modification pursuant to the provisions of this Section 2.b. The proposed permitted quantity shall be equal to the proposed functional population for the year of interest times the five year average compliance per capita rate for [effective year of the rule]. Permit quantity compliance shall be based on per capita reductions in accordance with the above provisions of “PER CAPITA DAILY WATER USE”, section D. Phase-In Where A Per Capita Rate of 150 gpd is Exceeded as of December 31, [year of effective date of rule]. The compliance per capita rate for years between [effective year of rule] and [effective year of rule + 5 years] and [effective year of rule + 5 years] and [effective year of rule +10 years] shall be based on a linear interpolation plus allowable deductions. On January 1, [year of effective date of rule + 11 years] the permitted quantities shall adjust to equal the lesser of the projected functional population for the last year of the permit times a per capita rate of 150 gallons per day, or, if less, the most recent five year average compliance per capita rate, plus a quantity equal to the allowable deductions, minus imports and adjustments included in the calculation of a compliance per capita.

**Low Persons Per Household Adjustment To Functional Population (FP)**

If the PERMPPH (as calculated in Part D of the Basis of Review) for an existing service area or the projected persons per household (pph) for a new service area is less than 2.01 pph, the projected functional population (FP) may be adjusted upward to reflect a pph of 2.01 if a projected compliance per capita rate of 150 gpd or less cannot otherwise be achieved. The following adjustments may not be applied to non-residential populations such as tourists or net commuters. Documentation of the adjustment is required. The Permittee shall submit two sets of required population estimation spreadsheets A-I, set forth in Part D of the Water Use Permit Information Manual, as applicable, to document functional population using permanent resident persons-per-household (PERMPPH), census year seasonal households (SEASPPH), and the functional population using 2.01 instead of PERMPPH and SEASPPH.

1. Projected Population Based Methods – If the population projection methodology isolates the residential population, then that portion of the projected population may be increased by the ratio of 2.01/PERMPPH for existing service areas or 2.01/projected pph for new service areas.

2. Projected Dwelling Unit Methods – If the population projection methodology is based on multiplying the projected number of dwelling units times a pph, a pph of 2.01 may be used in calculating the projected residential population.

Changes are made to the following document incorporated by reference in subsection 40D-2.091(1), F.A.C.

**WATER USE PERMIT INFORMATION MANUAL, PART D, REQUIREMENTS FOR THE ESTIMATION OF PERMANENT AND TEMPORAL SERVICE AREA POPULATIONS IN THE SOUTHERN WATER USE CAUTION AREA**

**1.0 Introduction**

The calculation of per capita water use requires an estimate of the total retail water service area functional population. The required functional population includes permanent residents, seasonal residents and group quarters population only. Adding the functional tourist and net commuter population to the required functional population is optional. Data sources, more detailed explanations, and examples of calculations may be found in the appendices to this document. All calculations and documentation shall be conducted and provided in accordance with the provisions of this document, including those found in the appendices.

This methodology involves the creation of a number of demographic ratios from Census or survey data that are appropriate to the service area. The ratios, such as persons-per-household, or duration of seasonal residency, are then applied to the year of interest housing units and/or population served to estimate year of interest service area populations.

If the service area did not exist at the time of the most recent decennial Census, the permittee must conduct a survey, consistent with the provisions of Appendix B of this document to determine seasonal and permanent population served. Data collected must include both seasonal and permanent households, seasonal and permanent persons-per-household, and seasonal resident household length of stay.

The District maintains updated default values as the data sources are updated. Permittees may choose to use these updated default values when estimating their functional population or may use existing default values until the updated default values are adopted by rule. From time to time, the District may provide additional data and default values or update data and default values and will specifically indicate that the new data and values may be used in lieu of those prescribed herein.

**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.”

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.:	RULE TITLE:
690-164.040	Determining Reserve Liabilities for Preneed Life Insurance

**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. 40, October 3, 2008 issue of the Florida Administrative Weekly.

The laws implemented are Sections 625.121(5)(a)3. and 627.476(9)(h)5.

The laws authorizing are Sections 625.121(5)(a)3., 627.476(9)(h)5. and 624.308.

The agency head which approved the rule is the Financial Services Commission.

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## Section IV Emergency Rules

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

## Section V

### Petitions and Dispositions Regarding Rule Variance or Waiver

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on October 6, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for An Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code (F.A.C.), from Dennis's Catering located in St. Petersburg. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the

provisions of Chapter six of the FDA Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. Specifically, Petitioner requests to dispense bulk potentially hazardous foods other than frankfurters from an open air Mobile Food Dispensing Vehicle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rhonda Steele@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on November 6, 2008, the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, received a petition for variance from MELBOURNE GREYHOUND PARK, LLC, Petitioner, in DBPR Case No. 2008060903 (VW 2008-309). The Petition lists Rules 61D-11.0175 and 61D-11.025, Florida Administrative Code (F.A.C.), from which it seeks a variance. The Petition requests that the Division grant the Petitioner a variance of no less than 365 days from the cardroom surveillance technology requirements imposed by subsection (3) of Rule 61D-11.0175 and subsections (4) and (5) of Rule 61D-11.025, F.A.C. Alternatively, Petitioner requests a variance until July 1, 2009, from the cardroom surveillance technology requirements imposed by subsection (3) of Rule 61D-11.0175, F.A.C., and subsection (5) of Rule 61D-11.025, F.A.C., which relate to enhanced clarity surveillance cameras, and until January 1, 2010, from the cardroom surveillance technology requirements imposed by subsection (4) of Rule 61D-11.025, F.A.C., which relates to digital video recorders that can record to a quality of 4 Common Intermediate Format (CIF). Petitioner requests the variance because of severe financial hardship as the costs to conform immediately to these cardroom surveillance requirements would be in excess of \$80,000. Any person whose substantial interests may be affected by a variance on the subject matter of the Petition may file a petition to intervene within 14 days of the publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

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NOTICE IS HEREBY GIVEN THAT on November 6, 2008, the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, received a petition for variance from PALM BEACH KENNEL CLUB, INC., Petitioner, in DBPR Case No. 2008061227 (VW 2008-310). The Petition lists Rule 61D-11.025, Florida Administrative Code (F.A.C.), from which it seeks a variance. The Petition requests that the Division grant the Petitioner a variance of no less than 6 months beginning January 1, 2009, from the cardroom surveillance technology requirements in Rule 61D-11.025, F.A.C., due to significant financial hardship. Petitioner is currently soliciting bids for the renovation of its existing cardroom facility, which renovations it expects will be