

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-5.002
 RULE TITLE: Voting System Equipment
 Regulations Supplement: Minimum
 Standards for Voter Verifiable Paper
 Audit Records

PURPOSE AND EFFECT: The purpose of the proposed rule is to supplement the practices and procedures associated with the certification of voting systems for the State of Florida. The effect is to ensure the suitability and effectiveness of printer and paper items that produce voter verifiable paper audit records from direct recording electronic voting devices based on a set of minimum standards for voter verifiable paper audit records.

SUMMARY: This proposed rule provides applicable definitions, paper and archival storage requirements, printer requirements, and specified uses for the voter verifiable paper record.

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

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

SPECIFIC AUTHORITY: 101.015, 101.294 FS.

LAW IMPLEMENTED: 101.5605, 101.5606, 101.5602, 101.5607, 102.141, 102.166 FS.

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

DATE AND TIME: Monday, May 14, 2007, 1:00 p.m. – 2:30 p.m.

PLACE: Florida Heritage Hall, Plaza Level, Ground Level, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person needing special accommodations to participate in this proposed rule hearing should contact the Department of State at 1(850)245-6500 no later than Monday, May 7, 2007. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service with the following toll free numbers: 1(800)955-8770 (voice) or 1(800)955-8771 (TDD). **THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Amy Tuck, Director, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, at (850)245-6500. Written comments may be

submitted directly to the above address or electronically through the Florida Department of State's E-rulemaking (Electronic rulemaking) System at: <https://www.flrules.org>.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-5.002 Voting System Equipment Regulations Supplement: Minimum Standards for Voter Verifiable Paper Audit Records.

(1) PURPOSE. To establish minimum standards for assessing the suitability and effectiveness of printer and paper items that produce voter verifiable paper audit records from direct recording electronic voting devices.

(2) DEFINITIONS. As used in this rule, the term:

(a) "Ballot" when used in reference to:

1. "Paper audit record" means that printed strip of paper created by a voting device that serves as an independent verification tool to assist the voter in determining that the voter's electronic vote selections are correctly indicated. This paper record serves as an unalterable storage media that may be used as the official ballot for the purposes of a recount or audit.

2. "Electronic or electromechanical device" means a ballot that is voted by the process of electronically designating, including by touchscreen, or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

(b) "Voted Ballot" means a ballot as defined above, which an elector casts by positive action.

(c) "Voting System" means a method of casting and processing votes that functions wholly or partly by use of electromechanical or electronic apparatus or by use of paper ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, tabulating cards, printouts, and other software necessary for the system's operation.

(d) "Voting Device" means any apparatus by which votes are registered electronically.

(e) "Verifiable" means the capability for the voter to independently take positive action to confirm that the electronic record and the paper record correctly reflect the voter's selections.

(f) "Thermal printer" means an electromechanical device that produces a printed image by selectively heating coated thermal paper when the paper passes over the thermal print head.

(g) "Contact storage container" refers to a container that prevents direct contact of thermal paper with vinyl, plastics, shrink wraps, adhesives, wet-toner, or carbon papers. The container may also prevent or minimize the content's exposure to ultraviolet (UV) light and humid conditions. The use of a

barrier bag would be considered an acceptable contact storage container and this may serve as an inner pack with another container serving as an outer pack.

(h) “Shelf life” means the paper manufacturer’s stated maximum length of storage from the date of manufacture with unopened factory wrap within the manufacturer’s specified environment that does not impact the paper’s satisfactory performance or the specified image life.

(i) “Image life” refers to the expected life of a fully developed image produced by a thermal printer on thermal paper that has not exceeded its shelf life and is stored in a compatible contact storage container within the specified environment.

(j) “Useful life” refers to the retention period for voting records as set forth in the General Records Schedule GS3 for Election Records.

(3) PAPER REQUIREMENTS. Paper audit records must meet the following requirements:

(a) The records must be produced by a thermal printer or other suitable print technology that minimizes the number of mechanical elements, consumables, and likely print failures.

(b) The paper quality must be able to retain a fully developed image for a minimum of 7 years when stored under archival dark environmental conditions in a compatible contact storage container. The paper manufacturer’s environmental storage requirements must be documented and provided to the county by the voting system vendor. If the county chooses to acquire paper from a source other than the voting system vendor, then the county is obligated to adhere to the paper manufacturer’s environmental storage requirements.

(c) The paper must be of sufficient quality and reliability to permit the paper record to be audited at least twice; at the start of the initial archival storage period and once again at the end of its useful life.

(4) PAPER STORAGE REQUIREMENTS PRIOR TO USE. Storage of voter verifiable paper must be compatible with the following requirements:

(a) Shelf life is applicable to thermal paper and should exceed a minimum of 3 years of storage from the date of manufacture within its unopened factory wrap under the following environmental conditions:

1. Maximum storage temperature for thermal paper must comply with the paper manufacturer’s specification. If not specified by the manufacturer, the voting system vendor should state that the maximum storage temperature for thermal paper is 77°F (25°C).

2. Paper that has exceeded its maximum shelf life should not be purchased and shall not be used in an election.

3. Paper that has exceeded the maximum storage temperature should not be purchased and shall not be used in an election.

(5) ARCHIVAL STORAGE REQUIREMENTS FOR PAPER AUDIT RECORD.

Storage of voter verifiable paper audit records must be compatible with the following requirements.

(a) Image life must be capable of meeting or exceed a minimum of 7 years for thermal paper after producing a fully developed image when stored in a compatible contact storage container under the following dark environmental conditions:

1. Relative humidity within the thermal paper’s contact storage container must comply with the paper manufacturer’s specification. If the relative humidity is not specified by the paper manufacturer, the voting system vendor should state the contact storage container should be between 45% to 65% relative humidity. Humidity may be determined by the use of one or more humidity indicator cards suitable for this purpose.

2. Maximum temperature not to exceed 77°F (25°C).

(b) Paper that has experienced an environment exceeding the maximum temperature and/or humidity requirements prior to nine months from the end of its useful life must be evaluated to determine the need for alternate preservation action by any suitable means.

(6) PRINTER REQUIREMENTS. A printer that produces voter verifiable paper audit records must demonstrate that it meets the following requirements:

(a) Completes a mass ballot count test of 9,900 ballots cast on a single precinct voting device for an assessment of the printer’s reliability. In addition, the voting system vendor or the thermal paper manufacturer should provide an assessment of the thermal paper’s aging properties. This may be satisfied by assessing the loss of optical density under dry heat and wet heat conditions and by assessing the paper’s sensitivity to long-term exposure to light.

(b) Minimizes the number of mechanical elements and consumables. To satisfy this requirement, the use of thermal paper printers is strongly recommended.

(c) Maintains the audit record as a continuous spool of paper or provides the audit record as cut sheets. However, each cut sheet must be a complete record of a cast ballot. In the event that the last ballot record on the spool does not represent a complete record, the voting device must void that record and allow the voter to continue voting once the paper has been refilled. This voided record must not count against the voter’s allowed number of spoiled records. The audit record must not be touched by the voter or otherwise be capable of being in the possession of the voter.

(d) Does not permit the voting device or system to alter the paper record once the ballot is cast.

(e) Prints the audit record in a default font size not to fall below 10 pt on the E-scale as measured using a type gage. Able to display a font size larger than the default, but may not exceed 36 pt on the E-scale. The larger font may be displayed by the use of a larger variable or fixed printer font selected by either the voter or the poll worker or the larger font may be achieved by the use of a magnification lens that does not

impede the readability of the audit record. The use of a larger variable or fixed printer font may force a line-wrap, but must not wrap more than once.

(f) Permits the paper record to be temporarily stored in a sealable canister that is to be considered a ballot box.

1. Permit a full canister to be replaced by an empty canister without exposing the paper audit record. This requirement may be met by complete removal and replacement of the printer and paper canister assembly.

(g) Prevents a voter from spoiling more than two audit records.

(h) Prints the audit record in English, and if different, also in the same language as appeared on the electronic review screen. The audit record must also be able to indicate clearly:

1. A spoiled audit record.
2. A provisional audit record.
3. An undervoted contest.
4. An accepted audit record.

(i) Limits the paper audit record printer's functionality to printing only the paper audit record. The printer should not be used to print the zero or results tapes unless these tapes can be extracted without compromising the audit record.

(j) Provides a capability to detect errors, malfunctions, and/or low consumables and suspend further usage of the voting device until the error condition is corrected. Either the voting device and/or the printer must indicate the error condition. If the error can be addressed by the voter, then the error message must be displayed in the voter's selected language. If the error must be addressed by the poll worker, then the error message must be displayed in the language common to the election officials who would have to address the issue. Actions taken by election officials to correct an error condition must be in accordance with Florida Statutes that protect the ballot from disclosure. Failure to resolve an error condition must prevent that active ballot from being cast both electronically and as an audit record. The voter must be permitted to cast their ballot on another voting device regardless of the number of spoiled ballots already consumed.

(k) Provides a means to protect the paper audit record when displayed to the voter. The display or transparent protective cover must be maintainable and/or replaceable. The use of a transparent protective cover must not obscure the paper audit record. There must be a method for periodically cleaning the display's or the transparent protective cover's surface.

(l) Provides the voter with the means to compare the electronic review screen paper record side-by-side and inform the voter is scrolling the paper record is necessary to complete this comparison.

(m) Informs the voter that scrolling the paper record in reverse is either possible or not possible. Scrolling in reverse should not be an option if it could cause a paper jam.

(n) Optionally:

1. May use a unique identifier that provides a capability to link a voter verifiable paper audit record to the electronic record. However, this link may not circumvent voter secrecy.

2. Allows the voter to privately and independently verify the content of the permanent paper ballot through the conversion of printed content into an accessible media. Accessible voting equipment should provide an automated reader that converts the paper record contents into audio output.

3. Permits an alternate and independent method to tabulate the votes cast from the paper audit record.

4. Identifies multiple review pages, such as page x of y.

(7) USE of the VOTER VERIFIABLE PAPER RECORD. The voter verifiable paper record must:

(a) Provide the voter the option to verify that the paper audit record matches the electronic summary record prior to allowing the voter to cast the ballot.

(b) Serve as an official ballot for the purposes of an audit and/or recount.

(c) Store a duplicate of the audit record in another format in addition to the human readable form.

(d) Not reveal the identity of the voter.

Specific Authority 101.015, 101.294 FS. Law Implemented 101.5605, 101.5606, 101.5602, 101.5607, 102.141, 102.166 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: David A. Drury, Chief, Bureau of Voting Systems Certification
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Tuck, Director, Division of Elections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2007

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER NO.: RULE CHAPTER TITLE:

5B-44	Nematodes of Citrus
RULE NOS:	RULE TITLES:
5B-44.001	Definitions
5B-44.002	Purpose of Chapter
5B-44.003	Injurious Nematodes of Citrus
5B-44.004	Designation of Regulated Articles
5B-44.008	Movement of Regulated Articles
5B-44.0113	Requirements for Citrus Nursery Site Approval
5B-44.0116	Requirements for Nematode (BN) Certification of Regulated Articles
5B-44.0118	Requirements for Soil Pit Approval

5B-44.0125 Disposition of Citrus Nursery Sites and Regulated Articles Including Citrus Nursery Stock
 5B-44.0135 Requirements for Utility and Road Construction

PURPOSE AND EFFECT: These rules have been incorporated in Rule Chapter 5B-62, F.A.C., Citrus Nursery Stock Certification Program and are no longer necessary.

SUMMARY: Rule Chapter 5B-44, F.A.C., in its entirety is being repealed.

SPECIFIC AUTHORITY: 570.07(23), 581.031(1), (5), 581.032(1), (5) FS.

LAW IMPLEMENTED: 581.031 (5), (6), (7), (9), (16), (17), (23), 581.101, 581.111 FS.

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

DATE AND TIME: To be announced

PLACE: Doyle Conner Building, 1911 Southwest 34th Street, Gainesville, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Connie Riherd, Assistant Director, Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100

THE FULL TEXT OF THE PROPOSED RULES IS:

5B-44.001 Definitions.

Specific Authority 570.07(23), 581.031 FS. Law Implemented 581.031 FS. History–New 6-15-81, Formerly 5B-44.01, Amended 6-15-87, 6-4-95, Repealed.

5B-44.002 Purpose of Chapter.

Specific Authority 570.07(23), 581.031(1) FS. Law Implemented 581.031, 581.101, 581.111 FS. History–New 6-15-81, Formerly 5B-44.02, Amended 6-15-87, 6-4-95, Repealed.

5B-44.003 Injurious Nematodes of Citrus.

Specific Authority 570.07(23), 581.031(1) FS. Law Implemented 581.031(6) FS. History–New 6-15-81, Formerly 5B-44.03, Amended 6-15-87, Repealed.

5B-44.004 Designation of Regulated Articles.

Specific Authority 570.07(23), 581.031(1) FS. Law Implemented 581.031(7) FS. History–New 6-15-81, Formerly 5B-44.04, Amended 6-15-87, Repealed.

5B-44.008 Movement of Regulated Articles.

Specific Authority 570.07(23), 581.031(1), (5) FS. Law Implemented 581.031(7), (9), (23) FS. History–New 6-15-81, Formerly 5B-44.08, Amended 6-15-87, 6-4-95, 6-12-00, Repealed.

5B-44.0113 Requirements for Citrus Nursery Site Approval.

Specific Authority 570.07(23), 581.031(1) FS. Law Implemented 581.03(6) FS. History–New 6-15-87, Repealed.

5B-44.0116 Requirements for Nematode (BN) Certification of Regulated Articles.

Specific Authority 570.07(23), 581.032(1), (5) FS. Law Implemented 581.031(16), (17) FS. History–New 6-15-87, Repealed.

5B-44.0118 Requirements for Soil Pit Approval.

Specific Authority 570.07(23), 581.031(1) FS. Law Implemented 581.031(6) FS. History–New 6-15-87, Repealed.

5B-44.0125 Disposition of Citrus Nursery Sites and Regulated Articles Including Citrus Nursery Stock.

Specific Authority 570.07(23), 581.031(1), (5), (6) FS. Law Implemented 581.031 FS. History–New 6-15-87, Repealed.

5B-44.0135 Requirements for Utility and Road Construction.

Specific Authority 570.07(23), 581.031(1), (5) FS. Law Implemented 581.031(5) FS. History–New 6-15-87, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Connie Riherd, Assistant Director, Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Gaskalla, Director, Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32641-7100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2007

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER NO:	RULE CHAPTER TITLE:
5B-60	Citrus Budwood Protection Program
RULE NOS.:	RULE TITLES:
5B-60.001	Definitions
5B-60.002	Purpose
5B-60.003	Plant Pest Declaration
5B-60.004	Citrus Budwood Protection Manual, Citrus Budwood Testing Manual and Graft-transmissible Diseases of Citrus: Handbook for Detection and Diagnosis
5B-60.005	Citrus Budwood Technical Advisory Committee
5B-60.006	Citrus Nursery Stock Propagation and Planting
5B-60.007	Parent Trees

- 5B-60.008 Foundation Trees
- 5B-60.009 Scion Trees
- 5B-60.010 Increase Trees
- 5B-60.011 Validated Tree
- 5B-60.012 Source Tree Registration Certificate
- 5B-60.013 Procedure for Identifying and Recording Citrus Nursery Stock
- 5B-60.014 Stop-Sale Notice or Hold Order (DACs-08016)
- 5B-60.015 Fees
- 5B-60.016 Exemptions

PURPOSE AND EFFECT: These rules have been incorporated in Rule Chapter 5B-62, F.A.C., Citrus Nursery Stock Certification Program and are no longer necessary.

SUMMARY: Rule Chapter 5B-60, F.A.C., in its entirety is being repealed.

SPECIFIC AUTHORITY: 570.07(23), 581.031(1), (3), (8) FS. LAW IMPLEMENTED: 570.07(2), (13), (23), 570.0705, 581.031(1), (14), (17), (23) FS.

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

DATE AND TIME: To be announced

PLACE: Doyle Conner Building, 1911 Southwest 34th Street, Gainesville, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Connie Riherd, Assistant Director, Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100

THE FULL TEXT OF THE PROPOSED RULES IS:

5B-60.001 Definitions.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History–New 9-30-96, Amended 11-4-98, Repealed.

5B-60.002 Purpose.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History–New 9-30-96, Repealed.

5B-60.003 Plant Pest Declaration.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (6), (14), (23) FS. History–New 9-30-96, Amended 11-4-98, Repealed.

5B-60.004 Citrus Budwood Protection Procedure Manual, Citrus Budwood Testing Manual, and Graft-transmissible Diseases of Citrus: Handbook for Detection and Diagnosis.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(23), 570.0705, 581.031(1), (14), (17), (23) FS. History–New 9-30-96, Amended 11-4-98, 2-1-00, 6-12-00, 3-31-02, Repealed.

5B-60.005 Citrus Budwood Technical Advisory Committee.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (23), 570.0705, 581.031(1), (14), (17), (23) FS. History–New 9-30-96, Amended 11-4-98, 2-18-04, Repealed.

5B-60.006 Citrus Nursery Stock Propagation and Planting.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History–New 9-30-96, Amended 11-4-98, 2-1-00, 6-12-00, 2-18-04, Repealed.

5B-60.007 Parent Trees.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History–New 9-30-96, Amended 11-4-98, 2-1-00, 6-12-00, Repealed.

5B-60.008 Foundation Trees.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History–New 9-30-96, Repealed.

5B-60.009 Scion Trees.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History–New 9-30-96, Amended 11-4-98, 2-1-00, 6-12-00, 2-18-04, Repealed.

5B-60.010 Increase Trees.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0750, 581.031(1), (14), (17), (23), FS. History–New 9-30-96, Amended 11-4-98, 2-1-00, 3-31-02, 2-18-04, Repealed.

5B-60.011 Validated Tree.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History–New 9-30-96, Amended 11-4-98, 2-2-00, 6-12-00, Repealed.

5B-60.012 Source Tree Registration Certificate.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History–New 9-3-96, Amended 11-4-98, 2-1-00, 3-31-02, Repealed.

5B-60.013 Procedure for Identifying and Recording Citrus Nursery Stock.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History–New 9-30-96, Amended 2-1-00, 2-18-04, Repealed.

5B-60.014 Stop-Sale Notice or Hold Order (DACS-08016).

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History--New 9-30-96, Amended 2-1-00, Repealed.

5B-60.015 Fees.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History--New 9-30-96, Amended 11-4-98, 2-1-00, 6-12-00, 2-18-04, Repealed.

5B-60.016 Exemptions.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History--New 9-30-96, Amended 11-4-98, 2-1-00, 6-12-00, 2-18-04, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Connie Riherd, Assistant Director, Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Gaskalla, Director, Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32641-7100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-5.081 RULE TITLE: Approval of School Leadership Programs

PURPOSE AND EFFECT: This proposed new rule is needed to implement Section 1012.986, Florida Statutes, by instituting the approval requirements and processes for programs that prepare school leaders, including assistant principals and principals. Such programs are provided by Florida's colleges, universities and public school districts and lead to certification in Educational Leadership and School Principal.

SUMMARY: This proposed new rule sets forth the requirements and processes for approval of programs in Florida colleges, universities, and school districts that lead to certification in Educational Leadership and School Principal and provide further training for enhancing the effectiveness of existing school leaders.

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

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

SPECIFIC AUTHORITY: 1012.98, 1012.986 FS.

LAW IMPLEMENTED: 1012.986, 1012.56 FS.

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

DATE AND TIME: May 15, 2007, 1:00 p.m.

PLACE: Orlando World Marriott, 8701 World Center Drive, Orlando, 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: Office of Equity and Access, (850)245-0513. 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: Kathy Hebda, (850)245-0891

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-5.081 Approval of School Leadership Programs.

The Florida Legislature and State Board of Education recognize multiple pathways for demonstrating the standards required to qualify for a Professional Florida Educator's Certificate. To ensure capacity and quality of pre-service school leadership programs and the development of inservice school leaders required in Section 1012.986, Florida Statutes, this rule sets forth requirements for approval of two levels of school leadership programs. Level I programs lead to initial certification in educational leadership for the purpose of preparing individuals to serve as school leaders who may aspire to the school principalship. Level II programs build upon Level I training and lead to certification in School Principal. This bi-level certification and preparation process includes programs offered by Florida postsecondary institutions and public school districts as described herein.

(1) Level I: Educational Leadership.

(a) General Criteria.

1. An initial certification program in educational leadership approved pursuant to this section shall satisfy specialization requirements for certification in Educational Leadership pursuant to Rule 6A-4.0082, F.A.C. Each approval or extension shall be granted for a period of time determined by the Department of Education but shall not exceed seven (7) years based upon the institution or school district meeting the requirements of this section.

2. Each entity offering an approved program in accordance with this section shall report to the Department annually the number of participants admitted to and enrolled in the program and the number of program completers.

(b) Requirements for initial approval of programs offered by Florida postsecondary institutions. Each institution seeking approval of an initial certification program in educational

leadership shall submit a request in writing from the chief executive officer to the Commissioner providing evidence of all of the following:

1. The institution is a Florida public or nonpublic postsecondary institution that requests approval of an initial certification program in educational leadership, has legal authority to grant appropriate master's degrees or higher in educational leadership or school administration, and meets accreditation requirements as prescribed in subsection 6A-4.003(1) or paragraph (2)(c), F.A.C.

2. The institution has incorporated into the program objectives which directly respond to needs assessed and projected for school leaders both in Florida school districts and the state as a whole.

3. The institution has established a comprehensive program that meets the following requirements:

a. Provides instruction in and assesses each candidate's level of knowledge and application of the competencies aligned to each of the Florida Principal Leadership Standards, pursuant to Rules 6A-5.080 and 6A-4.00821, F.A.C. The program description must include in which courses the competencies will be taught and assessed.

b. Incorporates appropriate elements of the William Cecil Golden Program for School Leaders to ensure a statewide foundation for leadership development in accordance with Section 1012.986, Florida Statutes.

c. Provides for field experiences in K-12 schools designed in collaboration with Florida public schools or school districts, during which program knowledge is applied and candidates are provided with opportunities to demonstrate required competencies;

d. Endorses as program completers only candidates who demonstrate all of the Florida Principal Leadership Standards at the initial certification level and earn passing scores on all portions of the Florida Educational Leadership Examination required in Section 1012.56, Florida Statutes;

3. The institution has employed faculty who are qualified to teach courses required in the program, and who document annual onsite participation or research in K-12 school settings. Activities must be related to the program course(s) they teach.

4. The institution has a means for collecting performance data on admitted candidates and program completers.

5. The institution publishes a description of the qualitative and quantitative requirements for program completion.

6. The institution may include a modified version of its approved program to be offered to individuals who hold a master's or higher degree, provided the institution has a means to document that the completer of the modified program has met all program requirements of this section. A modified program is not required to terminate in a degree.

(c) Requirements for initial approval of programs offered by Florida school districts. Each Florida school district seeking approval of an initial certification program in educational

leadership shall submit a request in writing from the chief executive officer to the Commissioner providing evidence of all of the following:

1. The district shall offer the initial certification program in educational leadership only to its employees through its approved professional development system in accordance with Section 1012.98, Florida Statutes, and the requirements of this rule.

2. The district has incorporated into the program objectives which directly respond to needs assessed and projected for school leaders both in Florida and the district.

3. The district has established a comprehensive program that meets the following requirements:

a. Admits only candidates who hold a master's degree from an accredited or approved institution as described in Rule 6A-4.003, F.A.C. Programs may provide for admission of candidates without this degree, provided that the district's program documentation includes a process of formally notifying such candidates that they are not eligible to complete the program without official documentation of the master's degree;

b. Provides instruction in and assesses each candidate's level of knowledge and application of the competencies aligned to the Florida Principal Leadership Standards, pursuant to Rules 6A-5.080 and 6A-4.00821, F.A.C. The program description must indicate the professional development activities through which the competencies will be taught and assessed;

c. Incorporates appropriate elements of the William Cecil Golden Program for School Leaders to ensure a statewide foundation for leadership development in accordance with Section 1012.986, Florida Statutes.

d. Provides for field experiences in K-12 schools designed in collaboration with Florida public schools or school districts, during which program knowledge is applied and candidates are provided with opportunities to demonstrate required competencies;

e. Endorses as program completers only candidates who hold an acceptable master's degree, demonstrate all of the Florida Principal Leadership Standards at the initial certification level, and earn passing scores on all portions of the Florida Educational Leadership Examination required in Section 1012.56, Florida Statutes;

4. The district has employed instructors whom the district has documented are qualified to deliver the professional development required in the program, based upon degree level and practical experience in school leadership. Practical experience must be related to the program curriculum taught.

5. The district collaborates with one or more institutions of higher education in the development and/or delivery of the program;

6. The district has a means for collecting performance data on admitted and enrolled candidates and program completers.

7. The district publishes a description of the qualitative and quantitative requirements for program completion.

(d) Initial approval determination and notification. The Commissioner shall determine whether the institution or district has met the criteria for initial approval and shall provide notification in writing of the approval or denial of approval. A denial of approval shall include identification of specific areas of program weakness that must be corrected prior to reconsideration for approval. For programs receiving initial approval, the institution or district shall be apprised of the requirements for continued approval.

(e) Continued program approval.

1. Continued approval of each initial certification program in educational leadership shall be based upon the Department's review of the institution's or school district's description of its continuous improvement of the program throughout the approval period as submitted annually through a program evaluation plan. The program evaluation plan shall be based upon an internal analysis of data collected annually and published for the general public. The data must include, but are not limited to:

a. Candidate admission, enrollment, and completion data as described in paragraph (1)(a) of this rule;

b. Candidate pass rates on each portion of the Florida Educational Leadership Examination;

c. Candidates' performance during field experiences;

d. Program completers' satisfaction with their preparedness for serving in a school-based leadership position in the first year of such employment after completing the program; and

e. The satisfaction level of school district or public school employers of program completers with the level of preparedness for the first year of serving in a school leadership position. The description of the level of satisfaction shall be based on results of a survey of the employers that includes the candidate's performance related to the Florida Principal Leadership Standards, the placement rates of program completers, and the rehire rates of program completers.

2. In the final year of the review cycle the department shall make a site visit to the district or institution. Prior to the site visit the institution or district shall provide a summary report to the Department that synthesizes the data and actions taken as a result of the program evaluation plans issued during the cycle. The Commissioner will consider the summary report and report of the program approval site visit team to determine whether continued approval is granted and will notify the institution or district in writing of the decision. A denial of approval shall include identification of specific areas of program weakness.

(2) Level II: School Principal. Florida public school districts are authorized to seek approval for a program leading to certification in School Principal pursuant to Rule 6A-4.0083, F.A.C. For purposes of this rule a public school district is referred to as a "district."

(a) Initial Approval Requirements. The Department may approve a school district's School Principal certification program for a period of time determined by the Department not to exceed seven (7) years. Approval is based upon the district providing documentation of meeting the following requirements:

1. Admitting only candidates who hold a valid Florida Educator's Certificate in the area of educational leadership, education administration, or administration and supervision pursuant to requirements of Rule 6A-4.0083, F.A.C., and who are employed in a public school within the district in a leadership position through which the candidate can fully demonstrate the competencies associated with the Florida Principal Leadership Standards.

2. Delivery of a competency-based developmental program that:

a. Is based upon each individual's needs using data gathered from self-assessment, selection, and appraisal instruments aligned to the competencies to be demonstrated in the program to develop the customized learning plan;

b. Uses district-developed indicators of competency in all Florida Principal Leadership Standards and provides multiple, job-embedded opportunities for achievement;

c. Incorporates appropriate elements of the William Cecil Golden School Professional Development Program for School Leaders to ensure a statewide foundation for leadership development pursuant to Section 1012.986, Florida Statutes;

d. Integrates on-going professional development and the district's annual appraisal system into program experiences;

3. A means of collecting continued approval data as described in subparagraph (2)(b)1. of this rule.

4. An endorsement of program completion by the superintendent for all program participants who fully demonstrate the Florida Principal Leadership Standards at a level commensurate with full responsibility as head of a school as described in Section 1012.01(3)(c)1., Florida Statutes, and as required by the district's program;

(b) Initial program approval determination and notification. The Commissioner shall determine whether the district has met the criteria for initial approval and shall reply with a notification in writing indicating approval or denial of approval. A denial of approval shall include identification of specific areas of program weakness that must be corrected prior to reconsideration for approval. For programs receiving initial approval, the district shall be apprised of the requirements for continued approval.

(c) Changes to an approved program prior to the end of the approval period. If a district seeks to make substantial revisions to its approved School Principal certification program prior to the resubmission of the program for continued approval, the district should submit those revisions to the Commissioner with a letter requesting a review. The Commissioner will advise the district in writing whether the revised program remains in compliance with this rule and of any proposed changes that are not acceptable. This determination and subsequent program revisions will not affect the approval period previously established for the program.

(c) Continued program approval.

1. Annual reporting. Each district with an approved program in School Principal certification under this rule will report to the Department annually the individuals who are admitted and enrolled, and who complete the program. The district will include in the report to the Department the number and type of inservice hours completed by each participant in curriculum offerings provided by the state through the William Cecil Golden Professional Development Program for School Leaders.

2. Continued approval review.

a. During the last year of approval of the program, the Department will request of the district documentation for continued approval review. Documentation shall include results of an analysis of data collected by the district during each year of approval and a summary of program improvements made during the course of the approval period. The analysis and summary submitted by the district should include data on program participants as follows:

(I) Data elements listed in subparagraph (2)(b)1. of this rule;

(II) Level of satisfaction of the participants and their supervisors with the training received in the program with regard to their level of preparedness for their employment in a leadership position in the years immediately following completion of the program;

(III) Evaluation of the effectiveness of the professional development offered through the program in accordance with the protocol standards for professional development adopted by the state;

(IV) Longitudinal data on program participants including placement rates, rehire rates, retention rates, performance based on the achievement of their students and other indicators of the success of the school(s) where they are assigned during the years immediately following completion of the program.

b. After a review of the summary documents, the Commissioner will provide the district with written verification of the continued approval of the program or denial of approval. If a determination of denial is reached, the Commissioner must provide the reasons for the determination in accordance with requirements of this rule. A district whose

program is denied continued approval may apply for a new initial approval in accordance with the requirements in paragraph (2)(a) of this rule.

c. The Department will publish a periodic reporting of the statewide status of programs approved under this rule.

Specific Authority 1012.98, 1012.986 FS. Law Implemented 1012.986, 1012.56 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kathy Hebda, Bureau Chief

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pam Stewart, Deputy Chancellor

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

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 NO.:

25-6.0143

RULE TITLE:

Use of Accumulated Provision

Accounts 228.1, 228.2, and 228.4

PURPOSE AND EFFECT: To standarize the way investor-owned electric utilities account for damage to utility property from extreme weather events.

SUMMARY: The rule amendments require establishment of a separate subaccount for storm related damages, and require use of an incremental cost capitalization approach to account for such damages. The rule establishes categories of costs which may and may not be charged to the account; deferred accounting treatment prior to Commission determination; and certain reporting requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The SERC shows that there should be no negative impact on small businesses and local governments. Utilities should see lower overall costs, and there should be no significant impact on ratepayers.

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: 366.05(1) FS.

LAW IMPLEMENTED: 350.115, 366.04(2)(a) 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: Larry Harris, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850)413-6076. Reference Docket No. 070011-E.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.0143 Use of Accumulated Provision Accounts 228.1, 228.2, and 228.4.

(1) Account No. 228.1 Accumulated Provision for Property Insurance.

(a) No change.

(b) Except as provided in paragraphs (1)(f), (1)(g), and (1)(h) cCharges to this account shall be made for all occurrences in accordance with the schedule of risks to be covered which are not covered by insurance. Recoveries, insurance proceeds or reimbursements for losses charged to this account shall be credited to the account.

(c) A separate subaccount shall be established for that portion of Account No. 228.1 which is designated to cover storm-related damages to the utility's own property or property leased from others that is not covered by insurance. The records supporting the entries to this account shall be so kept that the utility can furnish full information as to each storm event included in this account.

(d) In determining the costs to be charged to cover storm-related damages, the utility shall use an Incremental Cost and Capitalization Approach methodology (ICCA). Under the ICCA methodology, the costs charged to cover storm-related damages shall exclude those costs that normally would be charged to non-cost recovery clause operating expenses in the absence of a storm. Under the ICCA methodology for determining the allowable costs to be charged to cover storm-related damages, the utility will be allowed to charge to Account No. 228.1 costs that are incremental to costs normally charged to non-cost recovery clause operating expenses in the absence of a storm. All costs charged to Account 228.1 are subject to review for prudence and reasonableness by the Commission. In addition, capital expenditures for the removal, retirement and replacement of damaged facilities charged to cover storm-related damages shall exclude the normal cost for the removal, retirement and replacement of those facilities in the absence of a storm. The utility shall notify the Director of the Commission's Division of Economic Regulation in writing for each incident expected to exceed \$10 million.

(e) The types of storm related costs allowed to be charged to the reserve under the ICCA methodology include, but are not limited to, the following:

1. Additional contract labor hired for storm restoration activities;

2. Logistics costs of providing meals, lodging, and linens for tents and other staging areas;

3. Transportation of crews for storm restoration;

4. Vehicle costs for vehicles specifically rented for storm restoration activities;

5. Waste management costs specifically related to storm restoration activities;

6. Rental equipment specifically related to storm restoration activities;

7. Materials and supplies used to repair and restore service and facilities to pre-storm condition, such as poles, transformers, meters, light fixtures, wire, and other electrical equipment, excluding those costs that normally would be charged to non-cost recovery clause operating expenses in the absence of a storm;

8. Overtime payroll and payroll-related costs for utility personnel included in storm restoration activities;

9. Fuel cost for company and contractor vehicles used in storm restoration activities; and

10. Cost of public service announcements regarding key storm-related issues, such as safety and service restoration estimates.

(f) The types of storm related costs prohibited from being charged to the reserve under the ICCA methodology include, but are not limited to, the following:

1. Base rate recoverable regular payroll and regular payroll-related costs for utility managerial and non-managerial personnel;

2. Bonuses or any other special compensation for utility personnel not eligible for overtime pay;

3. Base rate recoverable depreciation expenses, insurance costs and lease expenses for utility-owned or utility-leased vehicles and aircraft;

4. Utility employee assistance costs;

5. Utility employee training costs incurred prior to 72 hours before the storm event;

6. Utility advertising, media relations or public relations costs, except for public service announcements regarding key storm-related issues as listed above in subparagraph (1)(e)10.;

7. Utility call center and customer service costs, except for non-budgeted overtime or other non-budgeted incremental costs associated with the storm event;

8. Tree trimming expenses, incurred in any month in which storm damage restoration activities are conducted, that are less than the actual monthly average of tree trimming costs charged to operation and maintenance expense for the same month in the three previous calendar years;

9. Utility lost revenues from services not provided; and

10. Replenishment of the utility's materials and supplies inventories.

(g) Under the ICCA methodology for determining the allowable costs to be charged to cover storm-related damages, certain costs may be charged to Account 228.1 only after review and approval by the Commission. Prior to the

Commission’s determination of the appropriateness of including such costs in Account No. 228.1, the costs may be deferred in Account No. 186, Miscellaneous Deferred Debits. The deferred costs must be incurred prior to June 1 of the year following the storm event. By September 30 a utility shall file a petition for the disposition of any costs deferred prior to June 1 of the year following the storm event giving rise to the deferred costs. These costs include, but are not limited to, the following:

1. Costs of normal non-storm related activities which must be performed by employees or contractors not assigned to storm damage restoration activities (“back-fill work”) or normal non-storm related activities which must be performed following the restoration of service after a storm by an employee or contractor assigned to storm damage restoration activities in addition to the employee’s or contractor’s regular activities (“catch-up work”); and

2. Uncollectible accounts expenses.

(h) A utility may, at its own option, charge storm-related costs as operating expenses rather than charging them to Account No. 228.1. The utility shall notify the Director of the Commission’s Division of Economic Regulation in writing and provide a schedule of the amounts charged to operating expenses for each incident exceeding \$5 million. The schedule shall be filed annually by February 15 of each year for information pertaining to the previous calendar year.

(i) If the charges to Account No. 228.1 exceed the account balance, the excess shall be carried as a debit balance in Account No. 228.1 and no request for a deferral of the excess or for the establishment of a regulatory asset is necessary.

(j) A utility may petition the Commission for the recovery of a debit balance in Account No. 228.1 plus an amount to replenish the storm reserve through a surcharge, securitization or other cost recovery mechanism.

(k) A utility shall not establish or change an annual accrual amount or a target accumulated balance amount for Account No. 228.1 without prior Commission approval.

(l) Each utility shall file a Storm Damage Self-Insurance Reserve Study (Study) with the Commission Clerk by January 15, 2011 and at least once every 5 years thereafter from the submission date of the previously filed study. A Study shall be filed whenever the utility is seeking a change to either the target accumulated balance or the annual accrual amount for Account No. 228.1. At a minimum, the Study shall include data for determining a target balance for, and the annual accrual amount to, Account No. 228.1.

(m) Each utility shall file a report with the Director of the Commission’s Division of Economic Regulation providing information concerning its efforts to obtain commercial insurance for its transmission and distribution facilities and any other programs or proposals that were considered. The report shall also include a summary of the amounts recorded in

Account 228.1. The report shall be filed annually by February 15 of each year for information pertaining to the previous calendar year.

(2) Account No. 228.2 Accumulated Provision for Injuries and Damages.

(a) through (b) No change.

(3) Account No. 228.4 Accumulated Miscellaneous Operating Provisions.

(a) through (b) No change.

(4)(a) No change.

(b) If a utility elects to use any of the above listed accumulated provision accounts, each and every loss or cost which is covered by the account shall be charged to that account and shall not be charged directly to expenses except as provided for in paragraphs (1)(f), (1)(g) and (1)(h). Charges shall be made to accumulated provision accounts regardless of the balance in those accounts.

(c) No change.

Specific Authority 366.05(1) FS. Law Implemented 350.115, 366.04(2)(a) FS. History–New 3-17-88, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Slemkewicz

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 33, No. 5, February 2, 2007

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-4.3020	Content of Works of the District Development Permit Applications
40B-4.3030	Conditions for Issuance of Works of the District Development Permits
40B-4.3040	Unlawful Use of Works of the District

PURPOSE AND EFFECT: The purpose of the rule development is to update these sections of Chapter 40B-4, Florida Administrative Code, based on the regulatory experience of the District since the inception of environmental resources permitting. The effect of the proposed rule amendments will be to provide for more efficient and effective regulation of works of the district activities that are subject to regulation and to provide for better comprehension of the subject rules.

SUMMARY: This proposed rule development will codify additional criteria for works of the district permits.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.084, 363.085, 373.086 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida, 32060, (386)362-1001 or (800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULE IS:

PART III Works of the District

40B-4.3020 Content of Works of the District Development Permit Applications.

(1) Applications for a general work of the district development permit shall be filed with the district and shall contain the following:

Form 40B-1.901(11), "Application for General Work of the District Development Permit," Suwannee River Water Management District, January 29, 2001, hereby incorporated by reference and which contains the following:

(a) The applicant's name and complete address including zip code;

(b) The owner's name and complete address if applicant is other than the owner;

(c) If applicable, the name, complete address, phone number, and contact person of the applicant or owner;

(d) Copies of all permits received from local units of government, state, or federal agencies, specifically a copy of the building or development permit issued by the appropriate unit of local government, including any variances issued thereto, and a copy of the onsite sewage disposal system permit issued by the Florida Department of Health under Chapter 64E-6, F.A.C.;

(e) A site plan to scale showing all improvements, work, or works with any conditions or limitations placed thereon prepared by a Florida licensed professional engineer or surveyor including plan and profile views with relevant elevations noted such as the elevation of the lowest structural member and benchmark shown. The site plan shall show the location of all trees to be removed which are greater than six inches diameter as measured at four feet, six inches above the natural ground; and

(f) A building plan prepared by the appropriately licensed professional showing profile and detail views of the pilings, the elevation of the lowest structural member, and any building components within the area below the 100-year flood/one percent annual chance of flood elevation; and

(g)(f) Any supporting calculations, designs, surveys, or applicable documents, which in the applicant's opinion, may support the application.

(h) If the applicant is only constructing a dock, boardwalk or deck according to paragraph 40B-4.3030(11)(b), F.A.C., the site plan may be prepared by the applicant.

(2) through (6) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086 FS. History--New 9-25-85, Amended 3-19-86, 9-13-04, _____.

40B-4.3030 Conditions for Issuance of Works of the District Development Permits.

(1) through (6) No change.

(7) No fill material or other obstructions shall be placed above the natural grade of the ground except for minor obstructions which are less than or equal to 100 square feet of the cross-sectional area of the floodway. ~~on any building or other similar structure provided that all such~~ This paragraph is not intended to limit the use of pilings for structural purposes. All obstructions developed on any single parcel of land after the implementation date of this chapter shall be is considered cumulatively.

(8) No change.

(9) For any structure placed within a floodway, the district shall require ~~as a condition for issuance of a work of the district development permit that an~~ Florida licensed engineer certify that such a structure will not obstruct flows or increase 100-year flood/one percent annual chance of flood elevations by more than 0.01 feet. Such certification shall include step-backwater calculations using the 100-year flood/one percent annual chance of flood discharge rate. Exceptions to this certification are stated in paragraphs (a) and (b) below.

(a) Boardwalks and decks less than one foot above natural grade.

(b) Floating docks and access structures associated with floating docks.

(c) The certification shall include, at a minimum, a location map showing existing and added channel cross sections, a scaled graphical representation of channel geometry for each cross section used in the calculation, a scaled graphical representation of floodway encroachments for pre-development and post-development conditions, pre-development calculations matching existing conditions, and post-development calculations showing the rise in flood elevation.

(10) ~~Proposed bBoat ramps, seawalls, retaining walls, and rip-rap constructed~~ within a ~~wWork~~ of the ~~dDistrict~~ shall be designed by ~~the appropriately licensed professional a Florida licensed engineer~~. Plans for these structures shall provide for erosion, sedimentation and turbidity control.

(11) The district shall not approve the issuance of permits for driveways within a work of the district that are constructed with fill material.

(12)~~(11)~~ The following conditions shall apply to all works of the district development permits issued for development on lands subdivided after January 1, 1985:

(a) No clearing of trees and vegetation shall occur [except as provided in ~~(d)(e)~~ and ~~(e)(d)~~ below] other than what is necessary to remove diseased vegetation, construct structures, associated water supply, wastewater disposal, and private driveway access facilities.

(b) No construction, additions or reconstruction shall occur in the front 75 feet of an area immediately adjacent to and including the normally recognized bank of a water, except for one deck per parcel located at the top of the bank no larger than 200 square feet and a boardwalk no wider than five feet facilities to provide reasonable pedestrian access to water dependant structures such as docks. The following conditions shall apply to decks and boardwalks:

(i) Decks and boardwalks shall not be enclosed, except for a structural roof; and

(ii) Decks, boardwalks and structural roofs shall be built in a manner to minimize destruction of existing vegetation.

(c) Clearing of vegetation within the front 75 feet immediately adjacent to and including the normally recognized bank of a water body shall be limited to that necessary to gain access or remove diseased vegetation.

(d) No change.

(e) As to those lands subdivided prior to January 1, 1985, the governing board shall, in cases of extreme hardship, issue works of the district development permits with exceptions to the conditions listed in Rule 40B-4.3030~~(12)(4)~~(a) through ~~(e)(d)~~.

(f) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086 FS. History--New 9-25-85, Amended 2-12-87, 2-1-89, 12-22-92, 10-17-04,_____.

40B-4.3040 Unlawful Use of Works of the District.

(1) through (3) No change.

(4) Damage to works of the district resulting from violations specified in subsections 40B-4.3040(1) through (3), F.A.C., above shall be repaired by the violator to the satisfaction of the district. ~~In lieu of making repairs, the violator may deposit with the district a sufficient sum to ensure such repair.~~

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086 FS. History--New 9-25-85, Amended 9-13-04, 5-8-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 19, 2007

LAND AND WATER ADJUDICATORY COMMISSION

Twin Creeks Community Development District

RULE NOS.:	RULE TITLES:
42DDD-1.001	Establishment
42DDD-1.002	Boundary
42DDD-1.003	Supervisors

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district ("CDD"), the Twin Creeks Community Development District ("District"), pursuant to Chapter 190, F.S. The petition (amended during the February 13, 2006, local public hearing) filed by EH/Transeastern, LLC, requests the Commission establish a community development district located within St. Johns County, Florida. A Notice of Receipt of Petition for the Twin Creeks Community Development District was published in the January 27, 2006, edition of the Florida Administrative Weekly. The land area proposed to be served by the District comprises approximately 3,050 acres. A general location map is contained as Exhibit 1 to the petition, as amended, to establish the District. The site is generally located south of Durbin Creek, west of U.S. 1, east of Interstate 95, and on both sides of County Road 210 in St. Johns County, Florida. There are no parcels within the external boundaries of the proposed District which are to be excluded from the District. The Petitioner has obtained written consent to establish the District from the landowners of one hundred percent (100%) of the non-governmental real property located within the proposed District. The development plan for the proposed lands within the District includes the construction of approximately 5,000 units of single family detached units, single family attached units, multi-family housing along with 900,000 square feet of commercial mixed and 2,000,000 square feet of flexible industrial use space. Additional development plans include a 175 room hotel and a multiplex movie center. The District, if established, plans to finance certain master infrastructure improvements within the District boundaries. The improvements include complete construction of the basic infrastructure connecting and serving neighborhoods,

including but not limited to: clearing, earthwork, water, sewer, and reclaimed utilities, internal roadways, and sodding/grassing. Master infrastructure also includes a community recreation center. Also included will be stormwater management facilities consisting of treatment ponds, outfalls, land to construct the retention and compensating storage areas, and wetland mitigation to serve the District in accordance with permitting agencies. Other District improvements include school facilities and substantial off-site improvements related to County Road 210 and US 1. All of the land in the proposed District is part of the Twin Creeks Development of Regional Impact.

SUMMARY: The purpose of this proposed rule is to establish a community development district ("CDD"), the Twin Creeks Community Development District ("District"), pursuant to Chapter 190, F.S. The petition (amended during the February 13, 2006, local public hearing) filed by EH/Transeastern, LLC, requests the Commission establish a community development district located within St. Johns County, Florida. A Notice of Receipt of Petition for the Twin Creeks Community Development District was published in the January 27, 2006, edition of the Florida Administrative Weekly. The land area proposed to be served by the District comprises approximately 3,050 acres. A general location map is contained as Exhibit 1 to the petition, as amended, to establish the District. The site is generally located south of Durbin Creek, west of U.S. 1, east of Interstate 95, and on both sides of County Road 210 in St. Johns County, Florida. There are no parcels within the external boundaries of the proposed District which are to be excluded from the District. The Petitioner has obtained written consent to establish the District from the landowners of one hundred percent (100%) of the non-governmental real property located within the proposed District. The development plan for the proposed lands within the District includes the construction of approximately 5,000 units of single family detached units, single family attached units, multi-family housing along with 900,000 square feet of commercial mixed and 2,000,000 square feet of flexible industrial use space. Additional development plans include a 175 room hotel and a multiplex movie center. The District, if established, plans to finance certain master infrastructure improvements within the District boundaries. The improvements include complete construction of the basic infrastructure connecting and serving neighborhoods, including but not limited to: clearing, earthwork, water, sewer, and reclaimed utilities, internal roadways, and sodding/grassing. Master infrastructure also includes a community recreation center. Also included will be stormwater management facilities consisting of treatment ponds, outfalls, land to construct the retention and compensating storage areas, and wetland mitigation to serve the District in accordance with permitting agencies. Other District improvements include school facilities and substantial

off-site improvements related to County Road 210 and US 1. All of the land in the proposed District is part of the Twin Creeks Development of Regional Impact.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The statement of estimated regulatory costs (SERC) supports the petition, as amended, to establish the District. The complete text of the revised SERC is contained as Exhibit 8 to the petition, as amended. The scope of the revised SERC is limited to evaluating the regulatory costs consequences of approving the proposal to establish the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principal entities that are likely to be required to comply with the rule include the District, the State of Florida, and St. Johns County. In addition, current and future property owners will be affected by the establishment of the proposed District. Under section (b), FLWAC and the State of Florida will incur minimal administrative costs. Review costs to St. Johns County are expected to be modest and the County will not incur any quantifiable on-going costs resulting from the on-going administration of the District. Adoption of the proposed rule to approve the formation of the District will not have an adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operation and maintenance of the District. Under section (d), approval of the petition, as amended, to establish the District will have no impact or a positive impact on all small businesses. The petition, as amended, to establish the District will not have an impact on small counties and small cities as defined by Section 120.52, F.S., as St. Johns County is not defined as a small

county. Under section (e), the SERC analysis is based on a straightforward application of economic theory. Input was received from the developer's engineer and other professionals associated with the developer.

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: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 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: May 18, 2007, 10:00 a.m.

PLACE: Room 2103, The Capitol, 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 two days before the workshop/meeting by contacting: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884. 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: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS:

TWIN CREEKS COMMUNITY DEVELOPMENT
DISTRICT

42DDD-1.001 Establishment.

The Twin Creeks Community Development District is hereby established.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New _____.

42DDD-1.002 Boundary.

The boundaries of the District are as follows:

Subject Property South of C.R. 210

A portion of Sections 9, 10, 11, and 14, together with all of Section 15, all lying in Township 5 South, Range 28 East, St. Johns County, Florida, and being more particularly described as follows: For a Point of Beginning, commence at the corner common to Sections 15, 16, 21, and 22 of said Township and Range; thence North 01°06'17" West, along the Westerly line of said Section 15, a distance of 2,655.18 feet to an angle in said Westerly line; thence North 00°50'08" West, continuing along said Westerly line, 2,702.59 feet to the Northwest corner

of said Section 15; thence South 89°12'49" West, along the Southerly line of said Section 9, a distance of 496.47 feet to its intersection with the Southerly right-of-way line of County Road 210, a 150 foot right-of-way per St. Johns County Right-of-Way Map, dated August 15, 2002; thence along said Southerly line the following six (6) courses: (1) thence North 51°03'28" East, 6,410.43 feet to the point of curvature of a curve concave Southerly, having a radius of 243.31 feet; (2) thence Northeasterly, along the arc of said curve, through a central angle of 75°41'49", an arc distance of 321.45 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 88°54'23" East, 298.58 feet; (3) thence South 53°14'43" East, 2,494.87 feet to the point of curvature of a curve concave Northeasterly, having a radius of 1,029.93 feet; (4) thence Southeasterly, along the arc of said curve, through a central angle of 15°27'40", an arc distance of 277.92 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South 60°58'33" East, 277.08 feet; (5) thence South 68°42'23" East, 1,737.76 feet to the point of curvature of a curve concave Northerly, having a radius of 393.31 feet; (6) thence Northeasterly, along the arc of said curve, through a central angle of 57°26'31", an arc distance of 394.31 feet to its intersection with the Westerly right-of-way line of a Florida East Coast Railroad right-of-way, a variable width right-of-way per Florida East Coast Railway Company Right-of-Way Track Map, dated December 31, 1927, said arc being subtended by a chord bearing and distance of North 82°34'22" East, 378.01 feet; thence South 41°00'02" East, departing said Southerly right-of-way line and along said Westerly right-of-way line, 2,283.78 feet to a point lying on the Southerly line of said Section 11; thence North 89°28'59" East, continuing along said Westerly right-of-way line and along said Southerly line, 36.95 feet; thence South 41°02'31" East, departing said Southerly line and along said Westerly right-of-way line, 253.73 feet to its intersection with the Easterly line of said Section 14; thence South 01°04'11" East, departing said Westerly right-of-way line and along said Easterly line, 5,180.32 feet to the Southeasterly corner of said Section 14; thence South 89°33'57" West, along the Southerly line of said Section 14, a distance of 5,363.20 feet to the Southwest corner of said Section 14, said point also being the Southeast corner of said Section 15, thence South 89°33'51" West, along the Southerly line of said Section 15, a distance of 5,368.24 feet to the Point of Beginning. Containing 1,857.26 acres, more or less.

Subject Property North of C.R. 210

A portion of Sections 2, 3, 4, 9, 10, 11, and 16, together with a portion of Section 46, the Joseph Peavett Grant, all lying in Township 5 South, Range 28 East, St. Johns County, Florida, and being more particularly described as follows: For a Point of Reference, commence at the corner common to said Sections 9, 10, 16 and Section 15 of said Township and Range, thence South 89°12'49" West, along the Southerly line of said

Section 9, a distance of 739.26 feet to its intersection with the Northerly right-of-way line of County Road No. 210, a 150 foot right-of-way per St. Johns County Right-of-Way Map dated August 15, 2002, said point also being the Point of Beginning.

From said Point of Beginning, thence South 89°12'49" West, departing said Northerly right-of-way line and continuing along said Southerly line of Section 9, a distance of 1,953.73 feet; thence South 89°55'22" West continuing along said Southerly line 1,349.80 feet to its intersection with the Easterly line of Government Lot 7 of said Section 16; thence South 01°18'02" West, departing said Southerly line and long said Easterly line, 12.69 feet; thence South 89°00'03" West, departing said Easterly line, 589.15 feet to a point lying on the Easterly limited access right-of-way line of Interstate Highway No. 95 (State Road No. 9), a 300 foot right-of-way per Florida Department of Transportation Right-of-Way Map Section No. 78080-2408 and Section No. 78080-2440, said point also lying on a curve; thence Northeasterly, along said Easterly limited access right-of-way line and along the arc of a curve concave Easterly, having a radius of 11,309.16 feet, through a central angle of 02°02'10", an arc distance of 401.88 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 02°58'05" East, 401.86 feet; thence North 03°59'10" East, 3,620 feet, more or less, to a point of intersection with the centerline of Durbin Creek, said point bearing South 03°59'10" West, 590 feet, more or less, from an angle point in said Easterly limited access right-of-way line, said point serving as Reference Point "A" for the purposes of this property description and bearing North 03°59'10" East, 4,208.87 feet from last said point of tangency, departing said Easterly limited access right-of-way line and along the meanderings of said centerline of Durbin Creek, 5,880 feet, more or less, to its intersection with the Southerly line of the Northwest one-quarter of the Southwest one-quarter of said Section 3, said line also being a Southerly line of those lands described and recorded in Official Records Book 60, page 689, of the Public Records of said county; thence North 89°30'48" East, along last said Southerly line, 510 feet, more or less, to the Southeasterly corner of the Northwest one-quarter of the Southwest one-quarter of said Section 3, said Southeasterly corner bearing North 68°19'26" East, 6,016.57 feet from said Reference Point "A"; thence North 00°18'06" West, along the Easterly line of said lands of Official Records Book 50, page 689, a distance of 240 feet, more or less, to its intersection with said centerline of Durbin Creek; thence Northeasterly, departing said Easterly line and along the meanderings of said centerline, 2,180 feet, more or less, to its intersection with a Southerly line of said lands of Official Records Book 60, page 689; thence North 89°29'16" East, along said Southerly line, 360 feet, more or less, to a point of intersection with the Westerly right-of-way line of a Florida East Coast Railroad right-of-way, a variable width right-of-way per Florida East Coast Railway Company

Right-of-Way and Track Map, dated December 31, 1927, said point bearing North 57°49'04" East, 2,613.07 feet from said Southeast corner of the Northwest one-quarter of the Southwest one-quarter of Section 3; thence along said Westerly right-of-way line the following seven (7) courses: course one, thence South 41°00'02" East, 3,556.42 feet to a point lying on the Southerly line of said Section 2; course two, thence North 89°24'41" East, along said Southerly line, 26.27 feet; course three, thence South 41°00'02" East, departing said Southerly line, 1,807.93 feet; course four, thence South 48°39'58" West, 70.00 feet; course five, thence South 41°00'02" East, 1,745.00 feet; course six, thence North 89°16'33" East, 98.30 feet; course seven, thence South 41°00'02" East, 1,073.11 feet to an intersection with said Northerly right-of-way line of County Road No. 210, said point also lying on a curve concave Northerly, having a radius of 243.31 feet; thence along said Northerly right-of-way line the following six (6) courses: course one, thence Southwesterly, along the arc of said curve, through a central angle of 54°26'06", an arc distance of 231.16 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South 84°04'34" West, 222.57 feet; course two, thence North 68°42'23" West, 1,737.76 feet to the point of a curve concave Northeasterly, having a radius of 879.93 feet; course three, thence Northwesterly, along the arc of said curve, through a central angle of 15°27'40", an arc distance of 237.45 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 60°58'33" West, 236.73 feet; course four, thence North 53°14'43" West, 2,494.87 feet to the point of curvature of a curve concave Southerly, having a radius of 393.31 feet; course five, thence Southwesterly, along the arc of said curve, through a central angle of 75°41'49", an arc distance of 519.63 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South 88°54'23" West, 482.65 feet; course six, thence South 51°03'28" West, 6,601.35 feet to an intersection with the Southerly line of Section 9 and the Point of Beginning. The above described lands being subject to any submerged sovereign lands of the State of Florida associated with Durbin and Sampson Creeks. Containing 1,193 acres, more or less.

LESS AND EXCEPT a portion of Section 11, Township 5 South, Range 28 East, St. Johns County, Florida, being more particularly described as follows: Commence at the southwest corner of Section 10, Township 5 South, Range 28 East, St. Johns County, Florida; thence North 00°48'41" West, along the westerly line of said Section 10, 377.21 feet, to an intersection a line lying 10.00 feet southeasterly of and parallel with the southeasterly right-of-way of County Road No. 210 (a 150.00 foot right-of-way per St. Johns County Right-of-Way Map dated 8-15-2002); thence North 51°03'28" East, along last said line and the northeasterly extension thereof, 7,759.46 feet to the southwesterly existing right-of-way line of Florida East Coast Railroad (a variable width right-of-way as shown on

Florida East Coast Railway Company Right-of-Way and Track Map dated December 31, 1927); thence southeasterly, southwesterly and easterly, along said southwesterly existing right-of-way line run of the following six (6) courses and distances: Course No. 1: South 41°00'02" East, 1,524.26 feet; Course No. 2: South 48°59'58" West, 70.00 feet; Course No. 3: South 41°00'02" East, 1,295.55 feet to the Point of Beginning; Course No. 4: South 41°00'02" East, 449.45 feet; Course No. 5: North 89°16'33" East, 98.30 feet; Course No. 6: South 41°00'02" East, 862.54 feet; thence South 48°59'58" West, 225.55 feet to the northeasterly right-of-way of said County Road 210; thence North 68°42'23" West, along said northeasterly right-of-way, 922.85 feet; thence North 23°54'33" West, 70.96 feet; thence North 20°53'17" East, 132.02 feet to the point of curvature of a curve leading northerly; thence northerly along and around the arc of said curve, concave westerly, having a radius of 310.00 feet, an arc distance of 334.85 feet, said arc being subtended by a chord bearing and distance of North 10°03'22" West, 318.81 feet to a point of tangency of last said curve; thence North 41°00'02" West, 37.36 feet; thence North 41°31'41" West, 115.11 feet; thence North 48°28'19" East, 279.45 feet to the Point of Beginning. Containing 13.02 acres, more or less.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New _____.

42DDD-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Paul Leikert, Jason Eisner, Robert Krief, Mark Newton, and Wayne Janzik.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry McDaniel, Florida Land and Water Adjudicatory Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry McDaniel, Florida Land and Water Adjudicatory Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.230
 RULE TITLE: Physician Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference update May 2007 to the Florida Medicaid Physician Services Coverage and

Limitations Handbook. The handbook was revised to include the Medicaid Hospitalist Program policies. The Medicaid Hospitalist Program is being implemented in Miami-Dade and Palm Beach counties. The effect will be to incorporate by reference in rule update May 2007 to Florida Medicaid Physician Services Coverage and Limitations Handbook.

In the Notice of Rule Development published in the Vol. 33, No. 5, February 2, 2007 issue of the Florida Administrative Weekly, we stated that the Florida Medicaid Physician Services Coverage and Limitations Handbook update was effective April 2007. We changed the effective date to May 2007.

SUMMARY: The purpose of this rule amendment is to incorporate by reference update May 2007 to the Florida Medicaid Physician Services Coverage and Limitations Handbook. The effect will be to incorporate by reference in rule update May 2007 to Florida Medicaid Physician Services Coverage and Limitations Handbook.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.907, 409.908, 409.9081 FS.

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

DATE AND TIME: Wednesday, May 23, 2007, 1:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane Weller, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)410-3037

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.230 Physician Services.

(1) No change.

(2) All physician services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2007, updated January 2007 and May 2007, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on

Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Enrollment at (800)377-8216.

(3) through (4) No change.

(5) The following forms that are included in Chapter 5 of the Florida Medicaid Physician Services Coverage and Limitations Handbook are incorporated by reference: Hospitalist Enrollment Notification Letter, AHCA Med Serv Form 010, May 2007, two pages; and Hospitalist Enrollment Notification Letter, AHCA Med Serv Form 010-Spanish, May 2007, two pages. The Enrollment Notification Letters may be photocopied from Chapter 5 in the Florida Medicaid Physician Services Coverage and Limitations Handbook.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907, 409.908, 409.9081 FS. History—New 1-1-77, Revised 2-1-78, 4-1-78, 1-2-79, 1-1-80, Amended 2-8-82, 3-11-84, Formerly 10C-7.38, Amended 1-10-91, 11-5-92, 1-7-93, Formerly 10C-7.038, Amended 6-29-93, 9-6-93, Formerly 10P-4.230, Amended 6-13-94, 2-9-95, 3-10-96, 5-28-96, 3-18-98, 9-22-98, 8-25-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03, 8-3-04, 8-18-05, 8-31-05, 10-26-06, 2-11-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Diane Weller

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Christa Calamas

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 2, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-15.0021
RULE TITLE: Certification and Registration of Business Organizations

PURPOSE AND EFFECT: The Board proposes the rule amendment to change the Bond amount.

SUMMARY: The rule amendment will consider changes to Bond amounts.

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

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

SPECIFIC AUTHORITY: 498.108 FS.

LAW IMPLEMENTED: 455.213, 489.105, 489.107, 489.115, 489.119, 489.1195, 489.143 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1039

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.0021 Certification and Registration of Business Organizations.

(1) through (3)(a) No change.

(b) If the business organization has a financially responsible officer, the financially responsible officer, rather than the qualifying contractor, shall complete the Financial Responsibility Acknowledgment Statement contained in the DBPR/CILB/021, Financially Responsible Officer Application, supplied by the Department. In addition, the financially responsible officer shall comply with the requirements of Rules 61G4-15.005 and 61G4-15.006, F.A.C., except that the financially responsible officer shall also demonstrate a personal or business organization net worth of at least \$10,000 regardless of the category of contractor's license held by any other qualifier for the business organization, \$10,000 cash and a bond in form acceptable to the Board's Executive Director made payable to the Florida Homeowners' Construction Recovery Fund as reimbursement in the amount of ~~\$100,000~~ 500,000. For purposes of Section 489.105(14), F.S., a "person" means a human being who is at least eighteen (18) years of age.

(c) through (d) No change.

(4) through (7) No change.

Specific Authority 489.108 FS. Law Implemented 455.213, 489.105, 489.107, 489.115, 489.119, 489.1195, 489.143 FS. History—New 12-6-83, Formerly 21E-15.021, Amended 3-29-88, 8-8-88, 9-24-92, 12-28-92, Formerly 21E-15.0021, Amended 7-18-94, 7-5-95, 11-12-95, 2-6-96, 7-1-96, 9-3-96, 11-27-96, 11-13-97, 9-15-98, 7-7-05, 1-23-06, 10-22-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 16, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NO.: 61G18-11.002
RULE TITLE: Examination and Licensure

PURPOSE AND EFFECT: The proposed rule amendment acknowledges the name change of the referenced "Physician's Manual" to the "Practitioner's Manual."

SUMMARY: The proposed rule amendment updates and corrects the reference of the term "Physician's Manual" to "Practitioner's Manual."

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

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

SPECIFIC AUTHORITY: 455.217, 474.206, 474.2065, 474.207 FS.

LAW IMPLEMENTED: 455.217, 474.2065, 474.207 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: Juanita Chastain, Executive Director, Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-11.002 Examination and Licensure.

(1) through (2) No change.

(3) Effective on November 1, 2000, there shall be two examinations. The first examination will be the North American Veterinary Licensing Examination (NAVLE) developed by the National Board of Veterinary Medical Examiners. The second examination concerns laws and rules related to the practice of veterinary medicine. The context of the second test shall include the following subjects: The Veterinary Medical Practice Act, Chapter 474, F.S.; Chapter 455, F.S., relating to the Department of Business and Professional Regulation; Chapter 61G18, F.A.C., the rules promulgated by the Board of Veterinary Medicine; Chapters 465, 499, 585, 828 and 893, F.S.; and the most recent revision of the "~~Practitioner's~~ ~~Physician's~~ Manual," an informational outline of the Controlled Substances Act of 1970, published by the Drug Enforcement Administration of the United States Department of Justice.

(4) through (6) No change.

Specific Authority 455.217, 474.206, 474.2065, 474.207 FS. Law Implemented 455.217, 474.2065, 474.207 FS. History—New 11-14-79, Amended 5-11-80, 7-9-80, 5-4-81, 12-10-81, 12-5-82, 5-15-83, 11-5-84, 5-7-85, 11-5-85, Formerly 21X-11.02, Amended 3-1-88, 11-24-88, 4-3-89, 4-13-92, 3-30-93, 7-13-93, Formerly 21X-11.002, Amended 7-4-94, 3-20-95, 3-29-95, 5-1-95, 5-27-99, 12-25-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Veterinary Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 6, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NO.: 61G18-12.019
 RULE TITLE: Reinstatement of a Null and Void Licensee Fee

PURPOSE AND EFFECT: The purpose and effect of the rule is to establish the fee amount for reinstatement of a null and void license.

SUMMARY: The rule establishes a fee of \$260.00 which is to be utilized in the reinstatement of a null and void license.

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

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

SPECIFIC AUTHORITY: 474.206, 474.215, 455.219 FS.

LAW IMPLEMENTED: 474.215, 455.219, 455.271 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: Juanita Chastain, Executive Director, Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-12.019 Reinstatement of a Null and Void License Fee.

Reinstatement of a null and void license must be accompanied by payment of a fee of \$260.00.

Specific Authority 474.206, 474.215, 455.219 FS. Law Implemented 474.215, 455.219, 455.271 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Veterinary Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 9, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-6.016
 RULE TITLE: Voluntary Certification Categories

PURPOSE AND EFFECT: The proposed rule amendment updates and provides modifications in relation to the voluntary certification category of Modular Inspector and Modular Plans Examiner.

SUMMARY: The proposed rule amendment modifies and updates the voluntary certification category of Modular Inspector and Modular Plans Examiner.

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

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

SPECIFIC AUTHORITY: 468.606, 468.609(10) FS.

LAW IMPLEMENTED: 468.609(10) 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-6.016 Voluntary Certification Categories.

The following voluntary certification categories are created.

(1) through (3) No change.

(4) Modular Inspector. This license is required for inspection of all modular buildings constructed to the Florida Building Code and administered under Chapter 553, Part I, F.S., unless otherwise provided for in Florida Statutes.

(a) Modular Inspector means a person who is authorized to inspect any manufactured (modular) building and systems incorporated therein designed and built to comply with the Florida Building Code pursuant to Part 1, Chapter 553, Florida Statutes, and is qualified to inspect and determine that modular buildings and structures are constructed in accordance with the provisions of the governing building codes and state accessibility laws. A person shall be entitled to take the examination for certification as a modular inspector if the person has three (3) years experience as an inspector with local

government and/or state government or three years experience as an inspector with an independent inspection/plans review agency under contract with a state agency or three (3) years experience as a registered or certified state general, building, or residential contractor or job superintendent, project manager or quality control manager, the latter as provided for in Chapter 9B-1, F.A.C., in a supervisory capacity that included operational control and direction of building, mechanical, electrical and plumbing personnel or subcontractors on residential or commercial projects.

(b) Responsibilities: Verify the state approved plans are in the factory. Assure the buildings being manufactured comply with the approved plans and the applicable Florida Building Code building codes. Compare the approved plans to the modular building and identify any deviations. Determine the reason for the deviations and investigate repetitive deviations in other buildings. Discuss the deviations with the in-plant quality control supervisor and establish a procedure to resolve the deviations. Verify the appliances and equipment installed in the building are consistent with those identified in the quality control manual. Verify the data plates have all the information as required ~~for the data plate~~ in Chapter 9B-1, F.A.C. Assure the state insignia is affixed to the correct building. The modular inspector shall monitor quality control procedures to verify the in-plant quality control personnel are conducting quality control reviews at the proper times. The modular inspector shall notify the Department of Community Affairs contracted inspection agency of any problems with the in-plant quality control procedures. The inspector shall follow-up on quality control procedures to verify that the in-plant quality control inspector is making the inspection of the buildings at the proper time. Persons qualified as one and two family dwelling inspectors may also inspect one and two family modular residences regulated under Chapter 9B-1, F.A.C. Persons qualified as Standard Building Inspectors in all four disciplines of building, electrical, mechanical and plumbing may also inspect all modular buildings regulated under Chapter 9B-1, F.A.C.

(5) Modular Plans Examiner. This license is required for plans reviews of all modular buildings constructed to the Florida Building Code and administered under Chapter 553, Part I, F.S., unless otherwise provided for in Florida Statutes.

(a) Modular Plans Examiner means a person who is authorized to review plans for any manufactured (modular) building and systems incorporated therein designed and built to comply with the Florida Building Code pursuant to Part 1, Chapter 553, Florida Statutes, and has three (3) years experience as a plans examiner with local and/or state government. As an alternative, the applicant must have three (3) years experience as a plans examiner with an independent inspection/plans review agency under contract with a state department or three (3) years experience as a registered or certified state general, building, or residential contractor or job

superintendent, project manager or quality control manager, the latter as provided for in Chapter 9B-1, F.A.C., in a supervisory capacity that included operational control and direction of building, mechanical, electrical and plumbing personnel or subcontractors on residential or commercial projects.

(b) Responsibilities: Examine building construction plans for compliance with the applicable Florida Building Code building—codes. Assure compliance with Florida’s Manufactured Buildings Act, Chapter 553, Part IV, F.S., along with Chapter 9B-1, F.A.C. Resolve code problems with the local personnel on behalf of the agency’s clients. Research the code changes upon adoption of the current edition of the codes. Review the proposed amendments to Chapter 9B-1, F.A.C., and provide input accordingly. Persons qualified as a one and two family dwelling plans examiner may also review and approve plans for one and two family modular residences regulated under Chapter 9B-1, F.A.C. Persons qualified as Standard Building Plans Examiners in all four disciplines of building, electrical, mechanical and plumbing may also review all modular buildings regulated under Chapter 9B-1, F.A.C.

(6) No change.

Specific Authority 468.606, 468.609(10) FS. Law Implemented 468.609(10) FS. History—New 7-5-95, Amended 7-7-96, 8-6-97, 6-25-98, 12-28-00, 2-28-02, 4-7-03, 9-3-03, 3-7-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Building Code Administrators and Inspectors Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: RULE TITLE:
61G19-9.003 Registration of Course Providers
PURPOSE AND EFFECT: The proposed rule amendment clarifies the renewal date which is applicable to course providers.
SUMMARY: The proposed rule amendment clarifies the renewal date of May 31 of every odd year as the renewal date for course providers.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 468.606, 468.627(7) FS.

LAW IMPLEMENTED: 468.627 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-9.003 Registration of Course Providers.

(1) Registration for Course Providers is required May 31 of every odd year. All providers are required to register with the Board, before providing continuing education courses, on Board-approved registration form DBPR/BCAI/10 Rev. 04/01. The instructions and form, entitled Provider Approval Application, which is hereby incorporated by reference and will be effective June 5, 2001, may be obtained from the Board office. Renewal for course providers is required May 31 of every odd year.

(2) through (8) No change.

Specific Authority 468.606, 468.627(7) FS. Law Implemented 468.627 FS. History—New 5-23-94, Amended 11-28-95, 10-1-97, 6-5-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Building Code Administrators and Inspectors Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: RULE TITLE:
61G19-9.006 Course Syllabus
PURPOSE AND EFFECT: The proposed rule amendment clarifies the components of a provider’s course syllabus.
SUMMARY: The proposed rule amendment clarifies the components of a provider’s course syllabus.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 468.606 FS.

LAW IMPLEMENTED: 468.627 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-9.006 Course Syllabus.

(1) Each course provider shall prepare a course syllabus for each course. The syllabus shall state the name of the course, the course number assigned by the Board, the name and address of the course provider and a ~~detailed description or~~ outline with timeframes of the contents of the course.

(2) No change.

Specific Authority 468.606 FS. Law Implemented 468.627 FS. History New 5-23-94, Amended 4-23-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-9.011
RULE TITLE: Continuing Education Course Provider Fees

PURPOSE AND EFFECT: The proposed rule amendment clarifies the applicability of the fee for a continuing education provider.

SUMMARY: The proposed rule amendment clarifies the fee requirements for registration and renewal as a continuing education provider.

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

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

SPECIFIC AUTHORITY: 468.606 FS.

LAW IMPLEMENTED: 455.2179(3), 455.219, 468.627 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-9.011 Continuing Education Course Provider Fees.

(1) The fee for registering or renewing each continuing education provider shall be \$ 100.00.

(2) through (3) No change.

Specific Authority 468.606 FS. Law Implemented 455.2179(3), 455.219, 468.627 FS. History-New 5-23-94, Amended 4-12-95, 4-23-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-9.017
RULE TITLE: Eligibility of Individuals Practicing in a State in Which Licensure is Not Required

PURPOSE AND EFFECT: The proposed rule amendment will clarify requirements for individuals licensed or practicing in another state.

SUMMARY: The proposed rule amendment will clarify requirements of individuals licensed or practicing in another state.

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

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

SPECIFIC AUTHORITY: 484.005 FS.

LAW IMPLEMENTED: 484.007(1)(d)3. 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: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-9.017 Eligibility of Individuals Practicing in a State in Which Licensure is Not Required.

(1) For purposes of determining eligibility for examination of an individual pursuant to Section 484.007(1)(d)2. and 3., Florida Statutes, the Board shall interpret the phrase "immediately preceding application" to mean that the individual must apply for the examinations set forth in subsections 64B12-9.001(1), (3) and (4), F.A.C., for licensure in Florida within two (2) years of ceasing the actual practice of opticianry in the other state upon which the eligibility is claimed.

(2) Applicants for examination pursuant to Section 484.007(1)(d)3., F.S., shall submit with the application documentation that they have actively practiced opticianry for a period of more than 5 years immediately preceding application. Periods of apprenticeship or training in opticianry shall not be considered to constitute any portion of the required years of practice. The applicant must establish independent engagement in all aspects of the practice of opticianry during the period for which actual practice is claimed. Such documentation shall include the following:

(a) Tax records and business records which establish that the applicant has actually engaged in the practice of opticianry. Affidavits from eye-care business people or professionals which state the method by which the affiant has knowledge of the applicant's practice of opticianry, the extent of the affiant's knowledge of the applicant's actual practice and a detailed statement of the applicant's professional acts or experience of which the affiant has personal knowledge.

(b) An affidavit by the applicant which states with specificity the professional acts or experiences engaged in during the five-year period during which the applicant claims the actual practice of opticianry occurred.

(c) Current certification of ABO and NCLE and verification of licensure status from another state, when applicable.

(3) For the purposes of this rule, an affidavit is defined to mean a written statement of facts which the affiant has confirmed by oath or affirmation taken before a person authorized by law to administer the oath or affirmation and which bears the signature and official seal of the officer or person before whom the affidavit was taken.

Specific Authority 484.005 FS. Law Implemented 484.007(1)(d)3. FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2006

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE NO.: RULE TITLE:

64B23-7.001 Definitions

PURPOSE AND EFFECT: To establish standards of practice for medical physicists and physicists-in-training.

SUMMARY: Direct supervision is defined as requiring physical presence, personal review, and immediate availability.

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

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

SPECIFIC AUTHORITY: 483.901(6)(a) FS.

LAW IMPLEMENTED: 483.901(6)(j) 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: Joe Baker, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

64B23-7.001 Definitions.

Direct supervision of a physicist-in-training means onsite personal supervision by a Florida licensed medical physicist who is in the building when all activities are being performed, personally reviews and accepts responsibility for the tasks performed, and who is in all instances immediately available to assist the physicist-in-training.

Specific Authority 483.901(6)(a) FS. Law Implemented 483.901(6)(j) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joe Baker
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 19, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-2.0010
RULE TITLE: Educational Facilities
NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 11, March 16, 2007 Florida Administrative Weekly has been continued from April 17, 2007 to May 15, 2007.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.: 6A-14.030, 6A-14.0716, 6A-14.072, 6A-14.0734, 6A-14.080
RULE TITLES: Instruction and Awards in Community Colleges, Community College Budgets, Financial Records and Reports, Procurement Requirements, Dr. Philip Benjamin Matching Program for Community Colleges
NOTICE OF PUBLIC HEARING

The State Board of Education announces a hearing regarding the above rule, as noticed in Vol. 33, No. 10, March 9, 2007 Florida Administrative Weekly.

DATE AND TIME: May 15, 2007, 1:00 p.m.
PLACE: Orlando World Center Marriott, 8701 World Center Drive, Orlando, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: THE DATE, TIME AND LOCATION WERE INADVERTANTLY OMITTED FROM THE ORIGINAL FAW PUBLICATION.

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: Office of Equity and Access, (850)245-0513. 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).

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

St. Johns River Water Management District

RULE NO.: 40C-1.106
RULE TITLE: Interagency Agreements
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 8, February 23, 2007 issue of the Florida Administrative Weekly. A Notice of Proposed Rule was published in the Florida Administrative Weekly on February 23, 2007, to amend paragraph 40C-1.106(3)(h), F.A.C., to incorporate by reference an amended Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between St. Johns River Water Management District and Department of Environmental Protection (FDEP). As a result of discussions with FDEP, a further revision is being proposed to the amended Operating Agreement. This revision was presented to and approved by the Governing Board of the St. Johns River Water Management District on April 10, 2007. This revision provides that the District will have regulatory responsibility for Environmental Resource Permit (ERP) projects for certain activities relating to an industrial wastewater facility that are not fully contained within an industrial wastewater site. Under the amended operating agreement, FDEP handles ERPs for all industrial wastewater facility sites and all activities located on those sites. This proposed revision clarifies that the District will have regulatory responsibility for projects containing land application of treated wastewater from dairies, food processing plants, and truck washes that are "not fully contained" on an industrial wastewater site. Under FDEP subsection 62-620.200(22), F.A.C., wastewater from dairies, food processing plants, and truck washes is considered "industrial wastewater." Notably, under the amended operating agreement, the District handles ERPs for projects that are "part of a larger plan of other commercial or residential development" under an exception within Section II.A.1.i. This revision will clarify that such incidental land application of industrial wastewater on a larger ERP project would not change the intended division of ERP regulatory responsibility. FDEP will continue to have ERP responsibility for wastewater sites for which the stormwater system or activity is "fully contained" within that wastewater site.