

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 19, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 21, 2006

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

Section III Notices of Changes, Corrections and Withdrawals

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
DOCKET NO. 060512-EU
RULE NO.: RULE TITLE:
25-6.0343 Municipal Electric Utilities and
 Rural Electric Cooperatives
NOTICE OF CHANGE OF HEARING DATE
The Public Service Commission notifies all interested persons that the date of the hearing on the above rule has been changed from August 31, 2006, to October 4, 2006, pursuant to Order No. PSC-06-0632-PCO-EU, issued July 27, 2006. The hearing will be held at the following date, time and place:
DATE AND TIME: Wednesday, October 4, 2006, 9:30 a.m.
PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL
The notice of rulemaking was published in the July 7, 2006, Florida Administrative Weekly, Vol. 32, No. 27.

DEPARTMENT OF CORRECTIONS
RULE NO.: RULE TITLE:
33-601.314 Rules of Prohibited Conduct and
 Penalties for Infractions

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. 32, No. 20, (May 19, 2006), issue of the Florida Administrative Weekly:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.
The following table shows established maximum penalties for the indicated offenses. As used in the table, "DC" means the maximum number of days of disciplinary confinement that may be imposed and "GT" means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

	Maximum Disciplinary Actions
SECTION 1 ASSAULT, BATTERY, THREATS, AND DISRESPECT	
1-1 through 1-5 No change.	
1-6 1-6 Lewd or lascivious exhibition by intentionally masturbating, intentionally exposing genitals in a lewd or lascivious manner, or intentionally committing any other sexual act in the presence of <u>a staff member, contracted staff member or visitor</u> the victim that does not involve physical or sexual contact with the victim	60 DC + 90 GT
SECTION 2 through SECTION 11 – No change.	

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History--New 3-12-84, Amended 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90, 6-2-94, 10-01-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04, 1-9-05, 4-17-05, 6-5-05, 10-27-05,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION
Division of Health Quality Assurance
RULE CHAPTER NO.: RULE CHAPTER TITLE:
59A-9 Abortion Clinics
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. 32, No. 21, May 26, 2006, Florida Administrative Weekly.
Changes in this rule are as follows:
59A-9.018 – The word "Repromulgated" has been removed from the rule history;

59A-9.019(25)(a) – The definition of first trimester has been amended to add “(the first 14 completed weeks from the last normal menstrual period)” immediately after the term “first 12 weeks of pregnancy”;

59A-9.021(1) – The phrase “including the review of all medical records, policies, procedures, personnel records and training records,” has been removed.

THE PERSON TO BE CONTACTED REGARDING THESE CHANGES IS: M. Riley Gibson, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, or call (850) 922-7752.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF JUVENILE JUSTICE

Residential Services

RULE CHAPTER NO.: 63E-6
 RULE CHAPTER TITLE: Sheriff’s Training And Respect Programs

RULE NOS.:
 63E-6.001 Purpose and Scope
 63E-6.002 Definitions
 63E-6.003 Admission Criteria
 63E-6.004 Admission Procedures
 63E-6.005 Program Orientation
 63E-6.006 Program Components
 63E-6.007 Behavior Management
 63E-6.008 Operational Inspections
 63E-6.009 Program Administration
 63E-6.010 Staff Training Requirements
 63E-6.011 Youth Release or Transfer

NOTICE OF CORRECTION

Notice is hereby given that the notice of proposed rulemaking for Proposed Rules 63E-6.001-.011, published in Vol. 32, No. 30, of the Florida Administrative Weekly on July 28, 2006, incorrectly listed the publication date of the notice of proposed rule development. The notice of proposed rule development for the referenced rules was published on June 23, 2006. The person to be contacted regarding the proposed rule is: Clyde Benedix, Policy Development Officer, Department of Juvenile Justice, Office of Administration, 2737 Centerview Drive, Ste. 312, Tallahassee, FL 32399-3100.

DEPARTMENT OF JUVENILE JUSTICE

Staff Development and Training

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
63H-1	Protective Action Response
RULE NOS.:	RULE TITLES:
63H-1.001	Purpose and Scope
63H-1.002	Definitions
63H-1.003	Authorized Levels of Response
63H-1.004	Authorized Techniques
63H-1.005	Authorized Mechanical Restraints
63H-1.006	Supervision of Youth in Mechanical Restraints
63H-1.007	Documentation and Retention of Records
63H-1.008	Medical Requirements for Training
63H-1.009	Certification
63H-1.010	Cross-Over Training
63H-1.011	Rehired Employee Training
63H-1.012	Annual Training Requirement
63H-1.013	Testing Requirements
63H-1.014	Training Instructor Qualifications
63H-1.015	Training Instructor Certification Renewal
63H-1.016	Law Enforcement Operations and Partnerships

NOTICE OF CORRECTION

Notice is hereby given that the notice of proposed rulemaking for Proposed Rules 63H-1.001-.016, published in Vol. 32, No. 30, of the Florida Administrative Weekly on July 28, 2006, incorrectly listed the publication date of the notice of proposed rule development. The notice of proposed rule development for the referenced rules was published on June 23, 2006.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Clyde Benedix, Policy Development Officer, Department of Juvenile Justice, Office of Administration, 2737 Centerview Drive, Ste. 312, Tallahassee, FL 32399-3100

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.:	RULE TITLE:
64B12-16.003	Apprenticeship Requirement and Training Programs

NOTICE OF CHANGE

Notice is hereby that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol 32, No. 21, of the May

26, 2006, issue of the Florida Administrative Weekly. The change is response to written comments submitted by the staff of the Joint Administrative Procedures Committee.

When changed paragraph (4)(b) of the rule shall read as follows:

“Each sponsor may attend an Apprentice/Sponsor Orientation course. This course will count toward the laws and rules continuing education requirement pursuant to Rule 64B12-15.003, F.A.C.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3253

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-14.011
 RULE TITLE: Qualifications of Physicians Who Evaluate and Treat Sex Offenders

NOTICE OF CORRECTION

The above-proposed rule was published in the July 28, 2006 issue of the Florida Administrative Weekly, Vol. 32, No. 30. The date of publishing for the original notice of rule development was erroneously given as March 10, 2006. The correct date is November 4, 2005. The foregoing change does not affect the substance of the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CHANGE IS: Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-17.005
 RULE TITLE: Continuing Education Requirement After Initial Licensure

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. 32, No. 30, of the July 28, 2006, issue of the Florida Administrative Weekly. The change is in response to comments submitted by the Board. The change is as follows:

The rule shall read as” During the biennium of initial licensure, podiatric physicians are required to obtain continuing education in the subject area of risk management by attending a meeting of the Board of Podiatric Medicine at which disciplinary hearings are conducted.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-18.001
 RULE TITLE: Qualifications to Evaluate and Treat Sex Offenders as a “Qualified Practitioner”

SECOND 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. 32, No. 2, of the January 13, 2006, issue of the Florida Administrative Weekly. These changes are in response to public comments received on the rule. These changes supersede the changes set forth in the original Notice of Change published in Vol. 32, No. 26, of the June 30, 2006, issue of the Florida Administrative Weekly. The Board discussed this rule at a public hearing held on July 28, 2006. The Board voted to change the rule to read as follows:

64B19-18.001 Qualifications to Evaluate and Treat Sex Offenders as a “Qualified Practitioner”.

Prior to holding oneself out as a “Qualified Practitioner,” eligible to evaluate and treat sex offenders, complete a “risk assessment” or prepare a “safety plan,” as defined in Sections 947.005(9), (10), (11), and 948.001(6), (7), (8), Florida Statutes, a Florida licensed psychologist shall demonstrate specialized knowledge in the field. Specialized knowledge shall be demonstrated by completing education or training in each of the following areas:

(1) Theory and research regarding the etiology and diagnostic information regarding sexual deviance and associated conditions. Among the conditions that are the main focus of this area of practice emphasis are those such as:

- (a) Paraphilias;
- (b) Impulse control disorders;
- (c) Psychopathy;
- (d) Psychoactive substance abuse/dependence;
- (e) General criminal behaviors; and
- (f) Cognitive and developmental impairment of sexual offenders;

(2) Theory and research regarding evaluation, risk assessment and treatment of sex offenders;

(3) Theory and research regarding physiological measures of sexual arousal;

(4) Legal and ethical issues in the evaluation and treatment of sex offenders; and

(5) Adherence to the continuing psychological education requirements governing “Qualified Practitioners,” set forth in subsection 64B19-13.003(5), F.A.C.

Specific Authority 490.004(4), 947.005(9), 948.001(6) FS. Law Implemented 947.005(9), 948.001(6) FS. History—New

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan K. Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3255

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

RULE NOS.:	RULE TITLES:
68D-23.106	Marker Placement Conditions.
68D-23.107	Federal System Adopted.

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. 32, No. 18, May 5, 2006, issue of the Florida Administrative Weekly.

In response to written comments received from staff of the Joint Administrative Procedures Committee, subsection 68D-23.106(3), F.A.C., will be revised to strike the last sentence. As changed, that subsection will read as follows:

68D-23.106 Marker Placement Permit Conditions.

(3) The division and its officers and all other law enforcement officers charged with the enforcement of Chapter 327, F.S., have the authority to remove or cause the removal of any marker found in violation of the conditions imposed under this section or otherwise imposed in the permit authorizing the placement of the marker if the violation is not corrected within 30 days following notification of the permittee of the violation.

The introductory clause in subsection 68D-23.107(1), F.A.C., will be revised to expressly state that the federal materials incorporated by reference therein are incorporated as they existed on the original effective date of the rule, December 23, 2001. As changed, the introductory clause of that subsection will read as follows:

(1) The following are adopted and incorporated by reference as they existed on December 23, 2001:

In addition to the above, paragraph 68D-23.106(2)(b), F.A.C., will be revised to remove an unnecessary occurrence of the word "the."

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.:	RULE TITLE:
69L-6.023	Non-Construction Limited Liability Company Members

NOTICE OF WITHDRAWAL

Notice is hereby given that the above as noticed in Vol. 31, No. 33, August 19, 2005, of the Florida Administrative Weekly, has been withdrawn.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.:	RULE TITLE:
69O-171.009	Medical Malpractice Insurance Open Claims Reporting

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. 32, No. 8, February 24, 2006, of the Florida Administrative Weekly. These changes are being made to address concerns expressed at the public hearing.

Subsection (1) is changed to read as follows:

(1) Each insurer transacting medical malpractice insurance in this state shall file with the Office, on an annual basis, the information required by this rule. The information shall be filed electronically on or before May 1 for the immediately preceding calendar year to the Office using the "Professional Liability Claims Reporting ("PLCR") located at https://apps.fldfs.com/plcr_Form_OIR-A1-1672 (1-06). The PLCR is incorporated and adopted by reference.

The remainder of the rule reads as previously published.

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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DEPARTMENT OF THE LOTTERY

RULE NO.:	RULE TITLE:
53ER06-43	Instant Game Number 656, JUMBO GOLD

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 656, "JUMBO GOLD," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS: