

## Section II Proposed Rules

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER NO.: 9B-43  
 Florida Small Cities Community Development Block Grant Program

RULE NOS.: 9B-43.0041  
 Application and Administrative Requirements

9B-43.0051  
 Grant Administration and Project Implementation

PURPOSE AND EFFECT: To provide clarification of the rule chapter.

SUMMARY: Rule Chapter 9B-43, F.A.C., has been revised to clarify certain requirements relating to the Florida Small Cities Community Development Block Grant (CDBG) Program. Clarifications have also been made to the application manual, which is incorporated by reference. These clarifications are a follow-up to a major revision of the rule in May 2006.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Cost has been prepared. However, the rule revisions will not have a financial impact on the State of Florida or any local government served by the Florida Small Cities CDBG Program. The only costs associated with the rule revision are those related to the public meetings being conducted.

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

SPECIFIC AUTHORITY: 290.048 FS.

LAW IMPLEMENTED: 290.042, 290.043, 290.044, 290.0455, 290.046, 290.047, 290.0475, 290.048 FS.

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

DATE AND TIME: December 14, 2006, 9:00 a.m. – 4:00 p.m.  
 PLACE: Department of Community Affairs, Sadowski Building, Randall Kelley Training Center, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the workshop because of a disability or physical impairment should contact Judy Peacock, Planning Manager, CDBG Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or call (850)487-3644 (SUNCOM 278-3644) at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Esrone McDaniels, Community Program Manager, Division of Housing and Community Development, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-3644

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-43.0041 Application and Administrative Requirements.

(1) through (e) No change.

(f) Documents to meet application requirements or additional submissions resulting from the site visit must be submitted in original or photocopy form. ~~Faeximile or electronic submissions are not acceptable.~~

(g) A local government with an open Planning and Design Specifications subgrant cannot apply for a Commercial Revitalization, Housing or Neighborhood Revitalization subgrant.

(2) through (3)(c) No change.

(4) Consistency with Local Comprehensive Plan.

~~(a)~~ The application shall include affirmation that the proposed activities are consistent with applicable elements of the adopted local comprehensive plan and shall include applicable excerpts from the applicant’s comprehensive plan in the supporting documentation section of the application.

~~(b) If the Department determines that an application is inconsistent with the adopted local comprehensive plan, the applicant shall be advised of that determination in the completeness review letter. If after review of the applicant’s response, the Department reaffirms its determination of inconsistency, the application shall be rejected.~~

(5)(a) No change.

(b) Activities undertaken outside the applicant’s jurisdiction which are also undertaken within the applicant’s jurisdiction, except in an Economic Development application where the infrastructure activities may be undertaken exclusively outside the jurisdiction. Applicants considering projects that would benefit Entitlement community residents should refer to the HUD Memorandum entitled “State CDBG Activities benefiting Entitlement Community Residents.” issued May 26, 2006.

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

(e) When two jurisdictions apply for funding for a joint project supported by two subgrants, an interlocal agreement must be included in each application that indicates that the jurisdictions have agreed upon a service area, how the funding under each subgrant will be expended, and evidence that each subgrant will meet the LMI national objective.

(6) through (7)(c) No change.

(8) Completeness Review Letter (for all grant categories except economic development). Following the site visit, the Department will advise the applicant of the status of the application review.

(a) The Department shall request in writing required documentation determined unavailable or inadequate during the site visit. Except for Economic Development applications, applicants shall have 21 ~~42~~ calendar days from the date the request is received to provide appropriate documentation to the Department.

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

(9) Eligibility. ~~Contract performance shall be considered "on time" for open subgrants that have received an agreement period extension of less than twelve months.~~ Performance is on ~~time schedule~~ when expenditures and work activity plans stated in awarded subgrant agreement(s) have been met or surpassed. Any subgrants which have received an extension of the grant period of twelve months or more will be considered not on time, except for the time extension required for an Economic Development project for the purpose of tracking additional job creation when contractual job creation commitments have been met, but the cost per job exceeds \$10,000.

Specific Authority 290.048 FS. Law Implemented 290.044, 290.046, 290.047, 290.0475 FS. History--New 5-23-06, Amended \_\_\_\_\_.

9B-43.0051 Grant Administration and Project Implementation.

(1) Administrative Costs.

(a) If proposed administrative cost percentages in an application are exceeded, as set forth in Section 290.047, F.S., the dollars for administrative costs shall be reduced prior to the offering of a subgrant award in order to bring the percentages into compliance based on the total eligible subgrant costs.

(b) During the term of the subgrant, requests for payment of administrative funds will be approved in proportion to the progress of the project as reflected on approved workplans.

(2) through (5) No change.

(6) Completion of Activities. The Department will acknowledge a local government's closeout by mailing an administrative closeout notification or a Notice of Outstanding Closeout Issues (NOCISS).

(a) The NOCISS letter shall identify impediments to closeout which the local government must resolve before the Department's review of the closeout will proceed and will advise the local government that any remaining balance of funds will be deobligated.

(b) No change.

(7) Non-performance Penalties. Subgrant application penalties and subgrant application restrictions shall be assessed based on non-performance of contractual requirements related to project accomplishments. The following penalties and restrictions will apply to subgrant agreements for which an

administrative closeout was submitted prior to the upcoming application cycle deadline and will apply regardless of whether the subgrant agreement has been amended to permit the reduction in accomplishments:

(a) A penalty of five points per housing unit, up to a maximum of 50 points, for failure to address the number of housing units scored in the original Housing category application.

(b) A penalty of five points per low and moderate income household not served OR a penalty of five points for each business facade not addressed, as geographically displayed on the original application maps (as modified, if necessary, during the completeness process) in the Neighborhood Revitalization or Commercial Revitalization categories, up to a maximum of 50 points. All direct benefit activities proposed in the application (e.g., water hookups) must be completed to avoid this penalty. No penalty shall be assessed for failure to provide a water or sewer hookup if the hookup is not possible because the home is vacant or was damaged or destroyed after application submission and there are no other homes in the service area that were identified in the application as unmet need which qualify for a hookup.

(c) A penalty of five points per job, up to a maximum of 50 points, for failure to create or retain the total number of jobs in the original contract in the Economic Development category.

(d) All performance-related penalties penalty will be applied to the Category Subscore of the next application for funding.

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

(8) through (11)(b) No change.

(c) Upon completion of the activities contained in the local government's CDBG subgrant agreement, including any amendments, the local government shall submit to the Department a closeout which, at a minimum, gives the final statement of costs, certifies that the project and all non-administrative activities are completed and accepted, that all costs except those reflected on the closeout, and reflected on an enclosed final request for funds, have been paid, that the final score at closeout is within the fundable range as last amended and reports demographics of the program's beneficiaries.

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

(g) A local government whose closeout is not received by the Department prior to the date of the opening of the application cycle, as defined in the Notice of Funding Availability (NOFA), shall not be eligible to apply for a Commercial Revitalization, Housing, Neighborhood Revitalization, or Planning and Design Specifications subgrant in that cycle.

(h) through (j) No change.

(12) Audit Requirements. If an audit or an attestation statement has not been received from a local government with either an open or administratively closed contract by the June

~~30 April 30~~ deadline date, a 25 point penalty will be assessed. The penalty will expire two years from the date that the audit or attestation statement was received.

(13) Program Income. ~~Any program income generated by a Florida Small Cities CDBG subgrant, whether open or closed, shall be reported and returned to the Department. Program income generated after closeout shall be returned to the Department. Program income generated prior to closeout of a subgrant shall be returned to the Department unless:~~

(a) The program income is used to fund additional units of CDBG activities referenced in the subgrant agreement under which the program income was generated; and

(b) The recipient amends the subgrant agreement to encompass expenditure of that program income prior to administrative closeout.

(14) Non-program Income. No change.

Specific Authority 290.048 FS. Law Implemented 290.044, 290.046, 290.047, 290.0475 FS. History—New 5-23-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Esrone McDaniels, Community Program Manager

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2006

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

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NOS.:	RULE TITLES:
12A-14.001	Oyster Surcharge
12A-14.002	Reporting and Remitting the Surcharge

12A-14.003 Records and Auditing Requirements

PURPOSE AND EFFECT: Chapter 2006-185, L.O.F., repealed the surcharge imposed on oysters harvested from the Apalachicola Bay, effective June 12, 2006. This law instructed the Department to cease all efforts to collect any uncollected surcharge. Rule Chapter 12A-14, F.A.C., Apalachicola Bay Oyster Surcharge, is no longer necessary; therefore, it is necessary to repeal all sections of Rule Chapter 12A-14, F.A.C. SUMMARY: Chapter 2006-185, L.O.F., repealed the surcharge imposed on oysters harvested from the Apalachicola Bay, effective June 12, 2006. This law instructed the Department to cease all efforts to collect any uncollected surcharge. Rule Chapter 12A-14, F.A.C., Apalachicola Bay Oyster Surcharge, is no longer necessary; therefore, it is necessary to repeal all sections of Rule Chapter 12A-14, F.A.C.

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: 212.17(6), 212.18(2), 213.06(1) 370.07(3) FS.

LAW IMPLEMENTED: 95.091(3), 212.12(2), 212.13(2), (5), 212.14, 212.15, 213.235, 213.29, 213.755, 370.07(3) FS., s. 16, ch. 99-208, L.O.F.

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

DATE AND TIME: December 18, 2006, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Larry Green at (850)922-4830. 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: Jeffery Soff, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4719

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-14.001 Oyster Surcharge.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 370.07(3)(g) FS. Law Implemented 370.07(3) FS. History—New 10-16-89, Amended 3-20-96, Repealed.

12A-14.002 Reporting and Remitting the Surcharge.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 370.07(3) FS. Law Implemented 212.12(2), 213.235, 213.755, 370.07(3) FS. History—New 10-16-89, Amended 3-21-95, 3-20-96, 4-2-00, 9-28-04, Repealed.

12A-14.003 Records and Auditing Requirements.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 370.07(3)(c) FS. Law Implemented 95.091(3), 212.13(2), (5), 212.14, 212.15, 213.29, 370.07(3)(c), (g) FS., s. 16, ch. 99-208, L.O.F. History—New 10-16-89, Amended 4-2-00, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeffery Soff, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4719

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Melton H. McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Pursuant to Section 120.54(2)(a), F.S., a rule development notice was not published in the Florida Administrative Weekly to propose the repeal of Rule Chapter 12A-14, F.A.C.

## DEPARTMENT OF REVENUE

### Miscellaneous Tax

RULE NO.: 12B-4.013  
 RULE TITLE: Conveyances Subject to Tax

PURPOSE AND EFFECT: The purpose of amendments to Rule 12B-4.013, F.A.C. (Conveyances Subject to Tax), is to remove provisions from the rule that are not in compliance with the ruling of the Florida Supreme Court in Crescent Miami Center, LLC v. Department of Revenue, 903 So.2d 913 (Fla. 2005). The effect of the removal of subsections (7), (8), and (10) of this rule is to ensure that the Department's rules conform to existing statutes and this case law.

SUMMARY: The provisions of subsections (7), (8), and (10) of Rule 12B-4.013, F.A.C. (Conveyances Subject to Tax), currently provide that conveyances of real property to corporations and partnerships in exchange for an ownership interest and conveyances of real property by a corporation as payment in lieu of cash dividends or transferred in corporate dissolutions or corporate liquidations are subject to the documentary stamp tax. The proposed amendments remove these provisions that are not in compliance with the ruling rendered in Crescent Miami Center, LLC v. Department of Revenue.

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: 201.11, 213.06(1) FS.

LAW IMPLEMENTED: 201.01, 201.02 FS.

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

DATE AND TIME: January 3, 2007, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. 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: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-4.013 Conveyances Subject to Tax.

(1) through (6) No change.

~~(7) Corporation: A conveyance of realty to a corporation in exchange for shares of its capital stock, or as a contribution to the capital of a corporation, is subject to tax. There is a presumption that the consideration is equal to the fair market value of the real property interest being transferred.~~

~~(8) Corporation Dividends, Dissolution, Liquidation: A conveyance of real property by a corporation to its stockholders in lieu of a cash or stock dividend, or for the surrender or retirement of the corporate stock, is taxable. There is the presumption that the consideration is equal to the fair market value of the real property interest being transferred.~~

~~(7)(9) No change.~~

~~(10) Partnerships: A conveyance of real property by a partner in exchange for an interest in a partnership, or where the value of the partner's interest in the partnership is increased by the conveyance, is taxable. There is the presumption that the consideration is equal to the fair market value of the real property interest being transferred. This presumption for consideration is also applicable for transfers of real property from a partnership to a partner, except as otherwise provided in Section 201.02(5), F.S.~~

(11) through (32) renumbered (8) through (29) No change.

Specific Authority 201.11, 213.06(1) FS. Law Implemented 201.01, 201.02 FS. History—Revised 8-18-73, Formerly 12A-4.13, Amended 12-11-74, 2-21-77, 5-23-77, 12-26-77, 7-3-79, 9-16-79, 11-29-79, 3-27-80, 12-23-80, 12-30-82, Formerly 12B-4.13, Amended 12-5-89, 6-4-90, 2-13-91, 2-16-93, 10-18-94, 12-30-97, 7-28-98, 1-4-01, 5-4-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Melton H. McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2006 (Vol. 32, No. 39, pp. 4531-4532)

**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."

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO: 28-101  
RULE NO.: 28-101.001  
RULE CHAPTER TITLE: Organization  
RULE TITLE: Statement of Agency Organization and Operation

PURPOSE AND EFFECT: The purpose of this proposed rule is to facilitate filings by electronic mail or facsimile and require an agency to state hours during which it will accept filings, if the agency accepts such filings. The law implemented is also modified due to change in statutory authority.

SUMMARY: The proposed rule is to facilitate filings by electronic mail or facsimile and require an agency to state hours during which it will accept filings, if the agency accepts such filings. The law implemented is also modified due to change in statutory authority.

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: 120.54(5) FS.

LAW IMPLEMENTED: 120.54(5)(b)7. 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: Friday, December 15, 2006, 9:00 a.m.  
PLACE: Room 2103, The Capitol, Tallahassee, Florida 32399-0001

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, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULE IS:

28-101.001 Statement of Agency Organization and Operation.

(1) No change.

(2) The Statement of Agency Organization and Operation shall:

(a) through (d) No change.

(e) State whether documents can be filed by electronic mail or facsimile transmission, including applicable telephone numbers and electronic mail addresses where filings may be submitted, and set forth the acceptable nature and scope of such filings, including the following:

1. That a party who files a document by electronic mail or facsimile transmission represents that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause, and that the party shall produce it upon the request of other parties.

2. That a party who elects to file a document by electronic mail or facsimile transmission shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk agency as a result.

3. That the filing date for a ~~an electronically transmitted~~ document transmitted by electronic mail or by facsimile shall be the date the agency ~~clerk~~ receives the complete document.

(f) No change.

(g) Set forth the agency's hours of operation during which filings will be accepted.

(3) No change.

Specific Authority 120.54(5) FS. Law Implemented 120.54(5)(b)7. FS. History--New 4-1-97, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO: 28-102  
 RULE CHAPTER TITLE: Agenda and Scheduling of Meetings, Hearings, and Workshops  
 RULE NOS.: 28-102.001  
 RULE TITLES: Notice of Public Meeting, Hearing, or Workshop  
 28-102.003  
 Emergency Meetings

PURPOSE AND EFFECT: The title of this Chapter is being amended to include "hearings." The purpose of the proposed amendment to Rule 28-102.001 is to change the 48 hour timeframe to 5 days when requesting a special accommodation. The purpose of the proposed amendment to Rule 28-102.003 is to require an agency to give notice of an emergency meeting on its website, if it has one, and by any procedure fair under the circumstances.

SUMMARY: The title of this Chapter is being amended to include "hearings." The purpose of the proposed amendment to Rule 28-102.001 is to change the 48 hour timeframe to 5 days when requesting a special accommodation. The purpose of the proposed amendment to Rule 28-102.003 is to require an agency to give notice of an emergency meeting on its website, if it has one, and by any procedure fair under the circumstances.

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: 120.54(5) FS.

LAW IMPLEMENTED: 120.525, 120.525(3), 120.54(5)(b)1. 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: Friday, December 15, 2006, 9:00 a.m.  
 PLACE: Room 2103, The Capitol, Tallahassee, Florida 32399-0001

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, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULES IS:

AGENDA AND SCHEDULING OF MEETINGS, HEARINGS, AND WORKSHOPS

28-102.001 Notice of Public Meeting, Hearing, or Workshop.

(1) No change.

(2) An ~~The~~ agency shall utilize the following form, or a substantially similar form, in providing notice of any ~~the~~ public meeting, hearing, or workshop.

NOTICE OF PUBLIC MEETING, HEARING, OR WORKSHOP

The (name of the agency) announces a public meeting, hearing, or workshop to which all persons are invited.

DATE AND TIME: \_\_\_\_\_

PLACE: \_\_\_\_\_

PURPOSE: \_\_\_\_\_

A copy of the agenda may be obtained by writing to (name of the agency) at ~~headquarters~~ (address) or by calling (name) at ~~(telephone number phone #)~~.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 5 days ~~48 hours~~ before the workshop/hearing/meeting by contacting (name) at (telephone number). If you are hearing or speech impaired, please contact the agency by calling (telephone number of TDD).

Specific Authority 120.54(5) FS. Law Implemented 120.525 FS. History--New 4-1-97, Amended.

28-102.003 Emergency Meetings.

(1) An ~~The~~ agency may hold an emergency meeting notwithstanding the provisions of Rules 28-102.001 and 28-102.002, F.A.C., for the purpose of acting upon emergency matters affecting the public health, safety or welfare.

(2) Whenever an emergency meeting must ~~is scheduled to~~ be held, the agency shall give notice of the meeting on its website, if it has one, and by any procedure that is fair under the circumstances, such as notifying at least one major newspaper of general circulation in the area where the meeting will take place, and the agency may also notify all major wire services of the time, date, place, and purpose of the meeting.

(3) Following an emergency meeting, the agency shall publish in the appropriate publication prescribed by Section 120.54(3), F.S., and on its website, if it has one, notice of the time, date and place of the meeting, a statement setting forth

the reasons why an emergency meeting was necessary and a statement setting forth the action taken at the meeting. This notice is in addition to the notice requirements of Section 120.525(3)(c), F.S.

Specific Authority 120.54(5) FS. Law Implemented 120.525(3), 120.54(5)(b)1. FS. History–New 4-1-97, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO.: 28-103  
RULE NO.: 28-103.002  
RULE CHAPTER TITLE: Rulemaking  
RULE TITLE: Rule Development Workshops

PURPOSE AND EFFECT: The purpose of this proposed rule is to delete language that reiterates statute and clarify rule language.

SUMMARY: The purpose of this proposed rule is to delete language that reiterates statute and clarify rule language.

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: 120.54(5) FS.

LAW IMPLEMENTED: 120.54(2)(c), (5) 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: Friday, December 15, 2006, 9:00 a.m.  
PLACE: Room 2103, The Capitol, Tallahassee, Florida 32399-0001

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, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULE IS:

28-103.002 Rule Development Workshops.

(1) Whenever requested in writing by any affected person, the agency must either conduct a rule development workshop prior to proposing rules for adoption or the agency head must explain in writing why a workshop is unnecessary. ~~When rule development workshops are conducted in various regions of the state, they may be conducted either in person or through communications media technology as set out in Chapter 28-109, F.A.C.~~

(2) The agency ~~shall conduct~~ ~~should consider conducting~~ a rule development workshop whenever the agency determines that a workshop would help the agency understand and address concerns of affected persons. The agency ~~shall~~ ~~should~~ consider the following factors in determining whether to conduct a rule development workshop:

(a) through (d) No change.

Specific Authority 120.54(5) FS. Law Implemented 120.54(2)(c), (5) FS. History–New 4-1-97, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO.: 28-104  
RULE NOS.: 28-104.001, 28-104.005  
RULE CHAPTER TITLE: Variance or Waiver  
RULE TITLES: Purpose; Construction  
Time for Consideration of Emergency Petition

PURPOSE AND EFFECT: The purpose of amended Rule 28-104.001, F.A.C., is to clarify language. With regard to Rule 28-104.005, F.A.C., the purpose of proposed subsection (2) is to require the agency to give notice of receipt of petition for variance or waiver on its website. The language of subsections (3) through (5) was modified, added, or deleted for clarification purposes. The specific authority is being amended to comport with statutory change.

SUMMARY: The purpose of amended Rule 28-104.001, F.A.C., is to clarify language. With regard to Rule 28-104.005, F.A.C., the purpose of proposed subsection (2) is to require the agency to give notice of receipt of petition for variance or waiver on its website. The language of subsections (3) through (5) was modified, added, or deleted for clarification purposes. The specific authority is being amended to comport with statutory change.

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: 120.54(5)(b)8., 120.542(3) FS.

LAW IMPLEMENTED: 120.542(3) FS.

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

DATE AND TIME: Friday, December 15, 2006, 9:00 a.m.

PLACE: Room 2103, The Capitol, Tallahassee, Florida 32399-0001

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, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULES IS:

28-104.001 Purpose; Construction.

~~(1) The purpose of this chapter is to implement the provisions of Section 120.542, F.S., by setting forth establishing the uniform procedures for granting or denying petitions for variances from and waivers of agency rules, and.~~

~~(2) This chapter should be read in conjunction with the provisions of Sections 120.52(18), 120.52(19) and 120.542, F.S.~~

Specific Authority ~~120.54(5)(b)6-8.,~~ 120.542(3) FS. Law Implemented 120.542(3) FS. History–New 4-1-97, Amended

28-104.005 Time for Consideration of Emergency Petition.

(1) No change.

(2) Within 5 days after filing a petition for emergency variance or waiver with the agency clerk, the agency shall give notice of receipt of the petition on its website, if it has one. The agency shall also give notice by any procedure that is fair under the circumstances or provide notice of the petition to the Department of State for publication in the first available issue of the Florida Administrative Weekly. Any interested person or other agency may submit written comments on the petition for emergency variance or waiver within 5 days after publication of the of the notice required herein. The notice and comment requirements in this subsection shall not apply if the agency head finds that an immediate danger to the public health, safety, or welfare requires an immediate final order, which final order shall recite with particularity the facts underlying such finding.

~~(3)(2) The agency shall issue a written order granting or denying the petition. The order shall state the facts and reasons supporting the agency's action. If the agency decides may deny a petition based on its decision that the situation is not an emergency, the petition shall then be reviewed by the agency on a non-emergency basis as set forth in Section 120.542(7), F.S.~~

~~(4)(3) The duration of an emergency variance or waiver shall be determined by the agency. The agency may also consider a petition requesting the same or similar variance or waiver on a non-emergency basis.~~

(5) The agency shall issue a written order granting or denying the petition. The order shall state the facts and reasons supporting the agency's action.

Specific Authority ~~120.54(5)(b)6-8.,~~ 120.542(3) FS. Law Implemented 120.542(3) FS. History–New 4-1-97, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO:	RULE CHAPTER TITLE:
28-105	Declaratory Statements
RULE NOS.:	RULE TITLES:
28-105.001	Purpose and Use of Declaratory Statement
28-105.002	The Petition
28-105.0024	Notice of Filing
28-105.0027	Intervention
28-105.003	Agency Disposition
28-105.004	Notice of Disposition

**PURPOSE AND EFFECT:** The purpose of proposed rule amendment to Rule 28-105.001, F.A.C., is to clarify the use of the declaratory statement. Rule 28-105.002, F.A.C., is being amended to clarify language. The Commission is proposing a new Rule 28-105.0024, F.A.C., o comport with statutory change. The rule delineates the requirements for filing a notice of the Petition for Declaratory Statement. Rule 28-105.0027 is also a proposed new rule, which is added to comport with statutory change; it addresses interventions in proceedings under Chapter 28-105, F.A.C.,. Rule 28-105.003, F.A.C., is being amended to clarify language and comport with statutory authority. Proposed new Rule 28-105.004, F.A.C., is added to comport with statutory change, and it requires the agency to file a notice of disposition.

**SUMMARY:** The purpose of proposed rule amendment to Rule 28-105.001, F.A.C., is to clarify the use of the declaratory statement. Rule 28-105.002, F.A.C., is being amended to clarify language. The Commission is proposing a new rule, 28-105.0024, F.A.C., to comport with statutory change. The rule delineates the requirements for filing a notice of the Petition for Declaratory Statement. Rule 28-105.0027, F.A.C., is also a proposed new rule, which is added to comport with statutory change; it addresses interventions in proceedings under Chapter 28-105, F.A.C. Rule 28-105.003, F.A.C., is being amended to clarify language and comport with statutory authority. Proposed new Rule 28-105.004, F.A.C., is added to comport with statutory change, and it requires the agency to file a notice of disposition.

**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.

**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, A HEARING WILL NOT BE HELD):**

**DATE AND TIME:** Friday, December 15, 2006, 9:00 a.m.  
**PLACE:** Room 2103, The Capitol, Tallahassee, Florida 32399-0001

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)488-3494

**THE FULL TEXT OF THE PROPOSED RULES IS:**

**DECLARATORY STATEMENTS**

**28-105.001 Purpose and Use of Declaratory Statement.**

A declaratory statement is a means for resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the agency has authority. A petition for declaratory statement may be used ~~only~~ to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances. A declaratory statement is not the appropriate means for determining the conduct of another person ~~or for obtaining a policy statement of general applicability from an agency. A petition for declaratory statement must describe the potential impact of statutes, rules, or orders upon the petitioner's interests.~~

Specific Authority 120.54(5) FS. Law Implemented 120.565 FS. History--New 4-1-97, Amended\_\_\_\_\_.

**28-105.002 The Petition.**

A petition seeking a declaratory statement shall be filed with the clerk of the agency that has the authority to interpret the statute, rule, or order at issue and shall provide the following information:

- (1) No change.
- (2) No change.
- (3) The name, address, telephone number, and any facsimile number of the petitioner's attorney or qualified representative (if any) ~~of the petitioner.~~
- (4) through (7) No change.

Specific Authority 120.54(5) FS. Law Implemented 120.565 FS. History--New 4-1-97, Amended 3-18-98,\_\_\_\_\_.

**28-105.0024 Notice of Filing.**

The agency shall file a notice of the Petition for Declaratory Statement in the next available Florida Administrative Weekly including the following information:

- (1) The name of the agency with whom the Petition for Declaratory Statement is filed.
- (2) The name of the Petitioner.
- (3) The date the Petition for Declaratory Statement was received.

(4) The statutory provision(s), rule(s) or order(s) on which the declaratory statement is sought.

(5) The contact name, address, and phone number where a copy of the petition may be obtained.

Specific Authority 120.54(5) FS. Law Implemented 120.565 FS. History--New

28-105.0027 Intervention.

The presiding officer shall allow for intervention of persons meeting the requirements for intervention of Rule 28-106.205, F.A.C. Petitions for leave to intervene must be filed at least 10 days before the final hearing. The presiding officer may impose terms and conditions on the intervenor to limit prejudice to other parties.

Specific Authority 120.54(5) FS. Law Implemented 120.565 FS. History--New

28-105.003 Agency Disposition.

The agency may hold a hearing to consider a petition for declaratory statement. If the agency is headed by a collegial body, it shall take action on a petition for declaratory statement only at a duly noticed public meeting. ~~If a hearing is held, it shall be conducted in accordance with Sections 120.569 and 120.57(2), F.S.~~ The agency may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts. Within 90 days of the filing of the petition, the agency shall render a final order denying the petition or issuing a declaratory statement.

Specific Authority 120.54(5)FS. Law Implemented 120.565 FS. History--New 4-1-97, Amended

28-105.004 Notice of Disposition.

The agency shall file a Notice of Disposition for the Declaratory Statement or denial of the petition in the next available issue of Florida Administrative Weekly including the following information:

- (1) The name of the agency.
- (2) A summary statement of the agency's decision.
- (3) The agency, contact person, and address where a copy of the petition and final order may be obtained.
- (4) The date the final order is filed.

Specific Authority 120.54(5) FS. Law Implemented 120.565 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Teresa Tinker, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
28-106	Decisions Determining Substantial Interests
RULE NOS.:	RULE TITLES:
Part I	General Provisions
28-106.103	Computation of Time
28-106.104	Filing
28-106.106	Who May Appear; Criteria for Qualified Representatives
28-106.111	Point of Entry into Proceedings and Mediation
28-106.201	Initiation of Proceedings
28-106.2015	Agency Enforcement and Disciplinary Actions
28-106.202	Amendment of Petitions
28-106.204	Motions
28-106.205	Intervention
28-106.213	Evidence
28-106.217	Exceptions and Responses
28-106.301	Initiation of Proceedings
28-106.305	Conduct of Proceedings
28-106.401	Purpose
28-106.402	Contents of Request for Mediation
28-106.501	Emergency Action

PURPOSE AND EFFECT: The purpose of the amendment to Rule 28-106.103, F.A.C., is to clarify the language pertaining to transmission of documents. Rule 28-106.104, F.A.C., is being amended to provide for electronic filing or facsimile transmission and to clarify rule language. Rule 28-106.106 is being amended to further define who may appear as counsel and explicitly exclude a disbarred lawyer from appearing as qualified representative. The purpose of amending Rule 28-106.111, F.A.C., is to incorporate statutory changes. The amendment to subsection (4) provides for equitable tolling as a defense to an untimely filed request for a hearing. The rule is further amended to clarify language, and in subsection (5)(b) language lacking statutory authority is deleted. The Commission is amending subsection 28-106.201(1), F.A.C., to reflect that enforcement and disciplinary actions are to proceed under new Rule 28-106.2015, F.A.C. Paragraph (2)(f) is amended to require an explanation in the petition of how the alleged facts relate to specific rules or statutes. Subsections (4) and (5) are being deleted because they reiterate statutory language. Rule 28-106.2015 is a rule promulgated pursuant to new statutory language. The rule establishes the process for agency enforcement and disciplinary actions; it incorporates former Rule 28-107.104, F.A.C. Rule 28-106.202, F.A.C., is being amended to clarify language and allow for amendment of requests for hearings. Rule 28-106.204, F.A.C., is being amended to clarify language and to allow for motions to relinquish jurisdiction when no genuine issue of material fact exists. Rule 28-106.205 is being amended to allow a party to oppose intervention and to clarify language. Paragraph (5)(b)

of Rule 28-106.213, F.A.C., is being amended to clarify procedure for notary when testimony is taken by telephone. Rule 28-106.217, F.A.C., is being amended to require parties to identify disputed portions of the recommended order and assert a legal basis for any exceptions. A proposed amendment to subsection (2) requires service to all parties on the day exceptions are filed with the agency. Rule 28-106.301, F.A.C., is being amended to reflect that enforcement and disciplinary actions will proceed under new Rule 28-106.2015, F.A.C. Subsections (3), (4), and (5) are deleted because they reiterate statutory language. Rule 28-106.305, F.A.C., is being amended to delete subsection (2) because Chapter 120, Florida Statutes, does not provide for this procedure. The proposed amendment to Rule 28-106.401, F.A.C., constitutes a substantial rewrite of the mediation process. Subsection (2) is being deleted for lack of statutory authority. The purpose of amending Rule 28-106.402, F.A.C., is to simplify the contents of a request for mediation. Rule 28-106.501, F.A.C., is a proposed new rule. The language is taken from former Rule 28-107.005, F.A.C. The new rule is created and Rule 28-107.005, F.A.C., repealed, because an emergency action is another type of proceeding in which substantial interests are determined.

**SUMMARY:** The purpose of the amendment to Rule 28-106.103, F.A.C., is to clarify the language pertaining to transmission of documents. Rule 28-106.104, F.A.C., is being amended to provide for electronic filing or facsimile transmission and to clarify rule language. Rule 28-106.106, F.A.C., is being amended to further define who may appear as counsel and explicitly exclude a disbarred lawyer from appearing as qualified representative. The purpose of amending Rule 28-106.111, F.A.C., is to incorporate statutory changes. The amendment to subsection (4) provides for equitable tolling as a defense to an untimely filed request for a hearing. The rule is further amended to clarify language, and in paragraph (5)(b) language lacking statutory authority is deleted. The Commission is amending subsection 28-106.201(1), F.A.C., to reflect that enforcement and disciplinary actions are to proceed under new Rule 28-106.2015, F.A.C. Paragraph (2)(f) is amended to require an explanation in the petition of how the alleged facts relate to specific rules or statutes. Subsections (4) and (5) are being deleted because they reiterate statutory language. Rule 28-106.2015, F.A.C., is a rule promulgated pursuant to new statutory language. The rule establishes the process for agency enforcement and disciplinary actions; it incorporates former Rule 28-107.104, F.A.C. Rule 28-106.202, F.A.C., is being amended to clarify language and allow for amendment of requests for hearings. Rule 28-106.204, F.A.C., is being amended to clarify language and to allow for motions to relinquish jurisdiction when no genuine issue of material fact exists. Rule 28-106.205, F.A.C., is being amended to allow a party to oppose intervention and to clarify language. Paragraph (5)(b) of Rule 28-106.213, F.A.C., is being amended to clarify procedure for notary when testimony is taken by telephone.

Rule 28-106.217, F.A.C., is being amended to require parties to identify disputed portions of the recommended order and assert a legal basis for any exceptions. A proposed amendment to subsection (2) requires service to all parties on the day exceptions are filed with the agency. Rule 28-106.301, F.A.C., is being amended to reflect that enforcement and disciplinary actions will proceed under new Rule 28-106.2015, F.A.C. Subsections (3), (4), and (5) are deleted because they reiterate statutory language. Rule 28-106.305, F.A.C., is being amended to delete subsection (2) because Chapter 120, Florida Statutes, does not provide for this procedure. The proposed amendment to Rule 28-106.401, F.A.C., constitutes a substantial rewrite of the mediation process. Subsection (2) is being deleted for lack of statutory authority. The purpose of amending Rule 28-106.402, F.A.C., is to simplify the contents of a request for mediation. Rule 28-106.501, F.A.C., is a proposed new rule. The language is taken from former Rule 28-107.005, F.A.C. The new rule is created and Rule 28-107.005, F.A.C., repealed, because an emergency action is another type of proceeding in which substantial interests are determined.

**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.

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**DATE AND TIME:** Friday, December 15, 2006, 9:00 a.m.

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**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

**THE FULL TEXT OF THE PROPOSED RULES IS:**

**DECISIONS DETERMINING SUBSTANTIAL INTERESTS**  
Part I General Provisions

28-106.103 Computation of Time.

In computing any period of time allowed by this chapter, by order of a presiding officer, or by any applicable statute, the day of the act from which the period of time begins to run shall

not be included. The last day of the period shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday. When the period of time allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in these rules, legal holiday means those days designated in Section 110.117, F.S. Except as provided in Rule 28-106.217, F.A.C., five days shall be added to the time limits when service has been made by regular U.S. mail. One business day shall be added when service is made by overnight courier. No additional time shall be added if service is made by hand, facsimile ~~telephone~~ transmission, or ~~other~~ electronic mail transmission or when the period of time begins pursuant to a type of notice described in Rule 28-106.111, F.A.C.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History—New 4-1-97, Amended.

#### 28-106.104 Filing.

(1) through (4) No change.

(5) All papers filed shall be titled styled to indicate clearly the subject matter of the paper and the party requesting relief.

(6) No change.

(7) If an agency allows documents to be filed by electronic mail or facsimile transmission, the following paragraphs apply:

(a)(7) A party who files a document by electronic mail or facsimile transmission represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. The party shall produce it upon the request of any other party or the agency clerk.

(b)(8) Any party who elects to file any document by electronic mail or facsimile transmission shall be responsible for any delay, disruption, or interruption of the ~~electronic~~ signals and accepts the full risk that the document may not be properly filed with the clerk as a result.

(c)(9) The filing date for a ~~an electronically transmitted~~ document transmitted by electronic mail or facsimile shall be the date the agency clerk receives the complete document.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History—New 4-1-97, Amended.

#### 28-106.106 Who May Appear; Criteria for Qualified Representatives.

(1) Any party who appears in any agency proceeding has the right, at his or her own expense, to be represented by counsel or by a qualified representative. Counsel means a member of The Florida Bar or a law student certified pursuant to Chapter 11 of the Rules Regulating The Florida Bar. An attorney disbarred in any state shall not be authorized to serve as a qualified representative.

(2)(a) A party seeking representation by a qualified representative shall file a written request with the presiding officer as soon as practicable. The request shall identify the name, address and telephone number of the representative and shall state that the party is aware of the services which the representative can provide, and is aware that the party can be represented by counsel ~~an attorney~~ at the party's own expense and has chosen otherwise.

(b) The presiding officer shall consider whether assure that the representative is qualified to appear in the administrative proceeding and capable of representing the rights and interests of the party. The presiding officer may consider a representative's sworn affidavit setting forth the representative's qualifications.

(c) No change.

(3) through (5) No change.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History—New 4-1-97, Amended.

#### 28-106.111 Point of Entry into Proceedings and Mediation.

(1) The notice of agency decision shall contain the information required by Section 120.569(1), F.S. The notice shall also advise whether mediation under Section 120.573, F.S., is available ~~as an alternative remedy~~, and if available, that pursuit of mediation will not adversely affect the right to administrative proceedings in the event mediation does not result in a settlement.

(2) No change.

(3) An agency may, for good cause shown, grant a request for an extension of time for filing an initial pleading. Requests for extension of time must be filed with the agency prior to the applicable deadline. Such requests for extensions of time shall contain a certificate that the moving party has consulted with all other parties, if any, concerning the extension and that the agency and any other parties agree to or oppose said the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

(4) Any person who receives written notice of an agency decision and who fails to file a written request for a hearing within 21 days waives the right to request a hearing on such matters. This provision does not eliminate the availability of equitable tolling as a defense.

(5) The agency may publish, and any person who has timely requested mediation may, at the person's own expense, cause the agency to publish, a notice of the existence of the mediation proceeding in the *Florida Administrative Weekly* or in a newspaper of general circulation in the affected area. The mediation notice can be included in the notice of intended agency action.

(a)1. through 4. No change.

(b) The notice shall also advise that in the absence of a timely request to participate in the mediation, any person whose substantial interests are or may be affected by the result of the mediation waives any right to participate in the mediation, ~~and that waiver of participation in the mediation is also a waiver of that person's ability to challenge the mediated final agency action pursuant to Chapter 120, F.S.~~

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57, 120.573 FS. History—New 4-1-97, Amended 3-18-98, \_\_\_\_\_.

28-106.201 Initiation of Proceedings.

(1) Unless otherwise provided by statute, and except for agency enforcement and disciplinary actions that shall be initiated under Rule 28-106.2015, F.A.C. initiation of proceedings shall be made by written petition to the agency responsible for rendering final agency action. The term “petition” includes any document that requests an evidentiary proceeding and asserts the existence of a disputed issue of material fact. Each petition shall be legible and on 8 1/2 by 11 inch white paper. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.

(2) All petitions filed under these rules shall contain:

(a) through (e) No change.

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency’s proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) No change.

(3) No change.

(4) ~~A petition shall be dismissed if it is not in substantial compliance with subsection (2) of this rule or it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner’s filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.~~

(5) ~~The agency shall promptly give written notice to all parties of the action taken on the petition, shall state with particularity its reasons if the petition is not granted, and shall state the deadline for filing an amended petition if applicable.~~

Specific Authority 120.54(3), (5) FS. Law Implemented 120.54(5), 120.569, 120.57 FS. History—New 4-1-97, Amended 9-17-98, \_\_\_\_\_.

28-106.2015 Agency Enforcement and Disciplinary Actions.

(1) Prior to entry of a final order to suspend, revoke, or withdraw a license, to impose administrative fines, or to take other enforcement or disciplinary action against a licensee or person or entity subject to the agency’s jurisdiction, the agency shall serve upon the licensee an administrative complaint. For purposes of this rule, an agency pleading or communication

that seeks to exercise an agency’s enforcement authority and to take any kind of disciplinary action against a licensee or other person shall be deemed an administrative complaint.

(2) An agency issuing an administrative complaint shall be the petitioner, and the licensee against whom the agency seeks to take disciplinary action shall be the respondent.

(3) The agency’s administrative complaint shall be considered the petition, and service of the administrative complaint on the respondent shall be deemed the initiation of proceedings.

(4) The agency’s administrative complaint shall contain:

(a) The name of the agency, the respondent or respondents against whom disciplinary action is sought and a file number.

(b) The statutory section(s), rule(s) of the Florida Administrative Code, or the agency order alleged to have been violated.

(c) The facts or conduct relied on to establish the violation.

(d) A statement that the respondent has the right to request a hearing to be conducted in accordance with Sections 120.569 and 120.57, F.S., and to be represented by counsel or other qualified representative.

(5) Requests for hearing filed by the respondent in accordance with this rule shall include:

(a) The name, address, and telephone number, and facsimile number (if any) of the respondent.

(b) The name, address, telephone number, facsimile number of the attorney or qualified representative of the respondent (if any) upon whom service of pleadings and other papers shall be made.

(c) A statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the petition must so indicate.

(d) A statement of when the respondent received notice of the administrative complaint.

(e) A statement including the file number to the administrative complaint.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57, 120.60 FS. History—New \_\_\_\_\_.

28-106.202 Amendment of Petitions or Requests for Hearing.

A petition or request for hearing The petitioner may be amended the petition prior to the designation of the presiding officer by filing and serving an amended petition or amended request for hearing in the manner prescribed for filing and serving an original petition or request for hearing. Thereafter the petitioner may amend the petition or request for hearing after the designation of the presiding officer only upon order of the presiding officer.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History—New 4-1-97, Amended \_\_\_\_\_.

## 28-106.204 Motions.

(1) No change.

(2) Unless otherwise provided by law, motions to dismiss the petition or request for hearing shall be filed no later than 20 days after service ~~of the petition on the party~~.

(3) No change.

(4) In cases in which the Division of Administrative Hearings has final order authority, a party may move for summary final order whenever there is no genuine issue as to any material fact. The motion may be accompanied by supporting affidavits. All other parties may, within seven days of service, file a response in opposition, with or without supporting affidavits. A party moving for summary final order later than twelve days before the final hearing waives any objection to the continuance of the final hearing.

(5) In cases in which the Division of Administrative Hearings has recommended order authority, a party may file a motion to relinquish jurisdiction whenever there is no genuine issue as to material fact.

~~(6)(5)~~ Motions for extension of time shall be filed prior to the expiration of the deadline sought to be extended and shall state good cause for the request.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History—New 4-1-97, Amended \_\_\_\_\_.

## 28-106.205 Intervention.

Persons other than the original parties to a pending proceeding whose substantial interest will ~~may~~ be ~~determined in~~ affected by the proceeding and who desire to become parties may petition the presiding officer for leave to intervene. Except for good cause shown, petitions for leave to intervene must be filed at least 20 days before the final hearing unless otherwise provided by law. The petition shall conform to subsection 28-106.201(2), F.A.C., and shall include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding. The parties may, within 7 days of service of the petition, file a response in opposition. The presiding officer may impose terms and conditions on the intervenor to limit prejudice to other parties.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History—New 4-1-97, Amended \_\_\_\_\_.

## 28-106.213 Evidence.

(1) through (4) No change.

(5) If requested and if the necessary equipment is reasonably available, testimony may be taken by means of video teleconference or by telephone.

(a) No change.

(b) For any testimony taken by means of video teleconference or telephone, a notary public must be physically present with the witness to administer the oath. If testimony is taken by telephone, ~~t~~The notary public shall provide a written certification to be filed with the presiding officer confirming the identity of the witness, and confirming the affirmation or oath by the witness. It shall be the responsibility of the party calling the witness to secure the services of a notary public.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History—New 4-1-97, Amended \_\_\_\_\_.

## 28-106.217 Exceptions and Responses.

(1) Parties may file exceptions to findings of fact and conclusions of law contained in recommended orders with the agency responsible for rendering final agency action within 15 days of entry of the recommended order except in proceedings conducted pursuant to Section 120.57(3), F.S. Exceptions shall identify the disputed portion of the recommended order by page number and paragraph, shall identify the legal basis for the exception, and shall include any appropriate and specific citations to the record.

(2) Exceptions shall be provided to all parties by facsimile or electronic mail, if number or address is provided, the day they are filed with the agency.

~~(3)(2)~~ Any party may file responses to another party's exceptions within 10 days from the date the exceptions were ~~serve~~ filed with the agency.

~~(4)(3)~~ ~~Notwithstanding Rule 28-106.103, F.A.C.,~~ No additional time shall be added to the time limits for filing exceptions or responses to exceptions when service has been made by mail.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History—New 4-1-97, Amended \_\_\_\_\_.

## 28-106.301 Initiation of Proceedings.

(1) Unless otherwise provided by statute and except for agency enforcement and disciplinary actions initiated under Rule 28-106.2015, F.A.C. ~~i~~Initiation of a proceeding shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document which requests a proceeding. Each petition shall be legible and on 8 1/2 by 11 inch white paper or on a form provided by the agency. Unless printed, the impression shall be on one side of the paper only and lines shall be doubled-spaced.

(2) All petitions filed under these rules shall contain:

(a) through (b) No change.

(c) An explanation of how the petitioner's substantial interests will be affected by the agency determination;

~~(d)(e)~~ A statement of when and how the petitioner received notice of the agency decision;

~~(e)(d)~~ A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

~~(f)(e)~~ A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and

~~(g)(f)~~ A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

~~(3) If the petition does not set forth disputed issues of material fact, the agency shall refer the matter to the presiding officer designated by the agency with a request that the matter be scheduled for a proceeding not involving disputed issues of material fact. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.~~

~~(4) A petition shall be dismissed if it is not in substantial compliance with subsection (2) of this rule or it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.~~

~~(5) The agency shall promptly give written notice to all parties of the action taken on the petition, shall state with particularity its reasons if the petition is not granted, and shall state the deadline for filing an amended petition if applicable.~~

Specific Authority 120.54(5) FS. Law Implemented 120.54(5), 120.569, 120.57 FS. History--New 4-1-97, Amended 9-17-98, \_\_\_\_\_.

28-106.305 Conduct of Proceedings.

~~(1) The presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, to prevent delay, and to promote the just, speedy, and inexpensive determination of all aspects of the case, including bifurcating the proceeding.~~

~~(2) It during the course of the proceeding a disputed issue of material fact arises, then, unless waived by all parties, the proceeding under this Part shall be terminated and a proceeding under Part II shall be conducted.~~

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History--New 4-1-97, Amended \_\_\_\_\_.

28-106.401 Purpose Scope.

This rule applies to all mediation proceedings conducted pursuant to Section 120.573, F.S.

(1) Mediation is a process where by a third person acts to encourage and facilitate a resolution of an administrative dispute, without prescribing what the resolution should be. Mediation is an informal and nonadversarial process with the objective of helping the parties reach a mutually acceptable agreement.

(2) Mediation proceedings are available to settle administrative disputes if provided for in the announcement of agency actions. If an agreement to mediation by the agency and all parties is filed within 10 days of the announcement for election of an administrative remedy under Sections 120.569 and 120.57, F.S. the time limitations shall be tolled until the completion of the mediation with settlement or impasse.

~~(1) Except for the initial agreement to mediate, which must be made within 10 days after the time period stated in the announcement for election of an administrative remedy under Sections 120.569 and 120.57, F.S., any time frames may be extended by written agreement of the parties.~~

~~(2) Participation in the mediation does not confer or limit standing in any subsequent judicial or administrative proceeding. However, non-participation may limit standing as provided in Rule 28-106.111, F.A.C.~~

Specific Authority 120.54(5) FS. Law Implemented 120.573 FS. History--New 4-1-97, Amended 3-18-98, \_\_\_\_\_.

28-106.402 Contents of Request for Mediation.

The request for mediation shall contain:

(1) The name, address, and telephone number of the party person requesting mediation and that party's person's representative, if any;

(2) No change.

~~(3) An explanation of how the person's substantial interests will be affected by the agency determination; and~~

~~(4) A statement of the relief sought.~~

Specific Authority 120.54(5) FS. Law Implemented 120.573 FS. History--New 4-1-97, Amended \_\_\_\_\_.

28-106.501 Emergency Action.

(1) If the agency finds that immediate danger to the public health, safety, or welfare requires emergency action, the agency shall enter an emergency order summarily suspending, limiting, or restricting a license, or taking such other emergency action as is authorized by law.

(2) The agency's emergency order shall include a notice of the licensee's right to an immediate appeal of the emergency final order pursuant to Section 120.569(2)(n), F.S. or 120.60(6), F.S.

(3) In the case of the emergency suspension, limitation, or restriction of a license, unless otherwise provided by law, within 20 days after emergency action taken pursuant to paragraph (1) of this rule, the agency shall initiate administrative proceedings in compliance with Sections 120.569, 120.57 and 120.60, F.S., and Rule 28-106.2015, F.A.C.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57, 120.60(6) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Teresa Tinker, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
28-107 Licensing  
RULE NOS.: RULE TITLES:  
28-107.001 General  
28-107.002 Application for License  
28-107.003 Denial of License  
28-107.004 Suspension, Revocation, Annulment, or Withdrawal  
28-107.005 Emergency Action

PURPOSE AND EFFECT: The purpose of repealing this chapter is to incorporate licensing into Chapter 28-106, F.A.C. Licensing is a type of proceeding in which substantial interests are affected, already covered in the rules. Rule 28-107.004, F.A.C., is incorporated into proposed new Rule 28-106.2015, F.A.C. Rule 28-107.005, F.A.C., is incorporated into proposed new Rule 28-106.501.

SUMMARY: The purpose of repealing this chapter is to incorporate licensing into Chapter 28-106, F.A.C. Licensing is a type of proceeding in which substantial interests are affected, already covered in the rules. Rule 28-107.004, F.A.C., is incorporated into proposed new Rule 28-106.2015, F.A.C. Rule 28-107.005, F.A.C., is incorporated into proposed new Rule 28-106.501, F.A.C.

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: 120.54(5) FS.  
LAW IMPLEMENTED: 120.569, 120.57, 120.574, 120.60, 120.60(6) 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: Friday, December 15, 2006, 9:00 a.m.  
PLACE: Room 2103, The Capitol, Tallahassee, Florida 32399-0001

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, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULES IS:

28-107.001 General.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57, 120.60 FS. History–New 4-1-97, Repealed.

28-107.002 Application for License.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57, 120.60 FS. History–New 4-1-97, Repealed.

28-107.003 Denial of License.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57, 120.574, 120.60 FS. History–New 4-1-97, Repealed.

28-107.004 Suspension, Revocation, Annulment, or Withdrawal.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57, 120.60 FS. History–New 4-1-97, Repealed.

28-107.005 Emergency Action.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57, 120.60(6) FS. History–New 4-1-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Teresa Tinker, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

ADMINISTRATION COMMISSION

RULE CHAPTER NO.: 28-108
RULE CHAPTER TITLE: Exception to Uniform Rules of Procedure

RULE NO.: 28-108.001
RULE TITLE: Petition for Exception to Uniform Rules of Procedure

PURPOSE AND EFFECT: The purpose of this proposed rule is to clarify language and parallel structure of other rules to list requirements of petitions to be filed with the Administration Commission.

SUMMARY: The purpose of this proposed rule is to clarify language and parallel structure of other rules to list requirements of petitions to be filed with the Administration Commission.

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: 120.54(5) FS.

LAW IMPLEMENTED: 120.54 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: Friday, December 15, 2006, 9:00 a.m.

PLACE: Room 2103, The Capitol, Tallahassee, Florida 32399-0001

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, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULE IS:

28-108.001 Petition for Exception to Uniform Rules of Procedure.

(1) The agency head shall file a petition with the Administration Commission for an exception to the Uniform Rules of Procedure as provided in Section 120.54(5)(a)2., F.S. for all of the agency's procedural rules which fall within the subject matter or scope of any of the individual Uniform Rules of Procedure, Chapters 28-101 through 28-110, F.A.C. that includes the following:

(a) Grounds for the request for the exception.

(b) Citation to the particular Uniform Rule of Procedure for which each exception is sought.

(c) Specific citation to the provisions of existing agency rule for which an exception is sought, if any.

(d) Attachment of the proposed rule language as an exhibit to the petition.

(2) The petition shall include reasons for the exception as outlined in Section 120.54(5)(a), F.S., citation to the particular Uniform Rule of Procedure for which each exception is sought, and specific citation to the provisions of existing agency rule for which an exception is sought, or if a proposed rule or proposed rule amendment, attachment of the proposed rule language as an exhibit to the petition.

(3) The agency shall publish notice of the petition in the next available edition of the Florida Administrative Weekly, after consultation with the agency clerk of the Administration Commission. The notice shall include:

(a) The name of the agency seeking an exception;

(b) The uniform rule of procedure from which the exception is sought, citations to the existing rule or a summary of the proposed rule for which the exception is sought, a summary of the stated grounds for the exception, and

(c) The date the matter is expected to be heard by the Administration Commission.

(d) The contact name, address, and phone number where a copy of the petition may be obtained.

(4) The Administration Commission shall provide interested persons with the opportunity to file written statements or make oral presentations in support of or in opposition to the exception.

Specific Authority 120.54(5) FS. Law Implemented 120.54 FS. History--New 4-1-97, Amended 9-9-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO.: 28-109  
 RULE CHAPTER TITLE: Conducting Proceedings By Communications Media Technology

RULE NOS.: 28-109.001, 28-109.004, 28-109.005, 28-109.006  
 RULE TITLES: Purpose, Government in the Sunshine, Notice, Evidence, Testimony, and Argument

**PURPOSE AND EFFECT:** CMT abbreviation is being added to the chapter title to alert reader of meaning. The purpose of amending Rule 28-109.001, F.A.C., is to delete unnecessary text and clarify language. Rule 28-109.004, F.A.C., is being amended to replace “may” with “shall,” requiring agencies to terminate proceedings until problems with communication networks are resolved. Rules 28-109.005 and 28-109.006, F.A.C., are being amended to clarify language.

**SUMMARY:** CMT abbreviation is being added to the chapter title to alert reader of meaning. The purpose of amending Rule 28-109.001, F.A.C., is to delete unnecessary text and clarify language. Rule 28-109.004, F.A.C., is being amended to replace “may” with “shall,” requiring agencies to terminate proceedings until problems with communication networks are resolved. Rules 28-109.005 and 28-109.006, F.A.C., are being amended to clarify language.

**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:** 120.54(5) FS.

**LAW IMPLEMENTED:** 120.54(5)(b)2. FS.

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

**DATE AND TIME:** Friday, December 15, 2006, 9:00 a.m.

**PLACE:** Room 2103, The Capitol, Tallahassee, Florida 32399-0001

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, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULES IS:

**CONDUCTING PROCEEDINGS BY COMMUNICATIONS MEDIA TECHNOLOGY (CMT)**

**28-109.001 Purpose General.**

This chapter ~~provides the~~ ~~implements the provisions of Section 120.54(5)(b)2., F.S., by providing general~~ procedures to be followed when ~~an~~ the agency desires to conduct a proceeding by means of communications media technology (CMT) or to provide public access to a proceeding by the use of ~~CMT communications media technology.~~

Specific Authority 120.54(5) FS. Law Implemented 120.54(5)(b)2. FS. History–New 4-1-97, Amended \_\_\_\_\_.

**28-109.004 Government in the Sunshine.**

(1) Nothing in this ~~rule~~ chapter shall be construed to permit the agency to conduct any proceeding otherwise subject to the provisions of Section 286.011, F.S., exclusively by means of CMT without making provision for the attendance of any member of the public who desires to attend.

(2) No proceeding otherwise subject to Section 286.011, F.S., shall be conducted exclusively by means of CMT if the available technology is insufficient to permit all interested persons to attend. If during the course of a CMT proceeding technical problems develop with the communications network that prevent interested persons from attending, the agency shall ~~may~~ terminate the proceeding until the problems have been corrected.

Specific Authority 120.54(5) FS. Law Implemented 120.54(5)(b)2. FS. History–New 4-1-97, Amended \_\_\_\_\_.

**28-109.005 Notice.**

When the agency chooses to conduct a CMT proceeding, it shall provide notice in the same manner as required for a ~~non-CMT proceeding regular proceeding, except in the case of an emergency meeting which shall be noticed as provided in Rule 28-102.003, F.A.C.,~~ and shall plainly state that such proceeding is to be conducted utilizing CMT and identify the specific type of CMT to be used. The notice shall describe how interested persons may attend and shall include:

(1) ~~The~~ address or addresses of all access points, specifically designating those which are in locations normally open to the public. ~~If, for example, a CMT proceeding is to be conducted by utilizing a telephone conference hookup, the notice shall so state and shall provide.~~

(2) The address of each access point where an interested person may go for the purpose of attending the proceeding.

(3) ~~The notice shall also contain~~ An address and telephone number where an interested person may write or call for additional information ~~and shall provide.~~

(4) An address and designated person to whom a person may submit written or other physical evidence which he or she intends to offer into evidence during the CMT proceedings.

Specific Authority 120.54(5) FS. Law Implemented 120.54(5)(b)2. FS. History--New 4-1-97, Amended.

28-109.006 Evidence, Testimony, and Argument.

(1) Any evidence, testimony, and argument which is ~~offered introduced~~ utilizing CMT shall be afforded equal consideration as if it were ~~offered introduced by its proponent~~ in person, ~~and but~~ shall be subject to the same objections ~~as if it were made in person.~~

(2) No change.

Specific Authority 120.54(5) FS. Law Implemented 120.54(5)(b)2. FS. History--New 4-1-97, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

28-110	Bid Protests
RULE NOS.:	RULE TITLES:
28-110.002	Definitions
28-110.003	Notice of Protest
28-110.004	Formal Written Protest
28-110.005	Bond

PURPOSE AND EFFECT: Chapter title is being amended to include the term "contract solicitation or award." Rule 28-110.002, F.A.C., is being amended to clarify definitions of "contract procurement process," "decisions or intended decision," and "competitive solicitation." "Electronic posting" is being added. Rule 28-110.003, F.A.C., is being amended to clarify that notice of protest must be received by the agency before the 72 hour period from electronic posting expires. Rule 28-110.004, F.A.C., is amended to clarify language. Rule 28-110.005, F.A.C., is amended to clarify language and delete obsolete term.

SUMMARY: Chapter title is being amended to include the term "contract solicitation or award." Rule 28-110.002, F.A.C., is being amended to clarify definitions of "contract

procurement process," "decisions or intended decision," and "competitive solicitation." "Electronic posting" is being added. Rule 28-110.003, F.A.C., is being amended to clarify that notice of protest must be received by the agency before the 72 hour period from electronic posting expires. Rule 28-110.004, F.A.C., is amended to clarify language. Rule 28-110.005, F.A.C., is amended to clarify language and delete obsolete term.

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: 120.54(5)(a), (b) FS.

LAW IMPLEMENTED: 120.57(3), 624.425(1) 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: Friday, December 15, 2006, 9:00 a.m.

PLACE: Room 2103, The Capitol, Tallahassee, Florida 32399-0001

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, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULES IS:

CONTRACT SOLICITATION OR AWARD BID PROTESTS

28-110.002 Definitions.

For purposes of this subchapter, the following terms mean:

(1) "Contract procurement process" has the same meaning as "contract solicitation or award bidding process" as used in Section 120.57(3), F.S. This ~~phase~~ includes procurements by invitation to bid (ITB), request for proposal (RFP), or invitation to negotiate (ITN), as each is defined in Section 287.012, F.S., approval of a single source procurement, as

defined in Section 287.057(5)(c), F.S., or other solicitation documents as permitted by law approval and negotiation approval.

(2) "Decision or intended decision" means:

(a) The contents of a solicitation ~~an ITB or an RFP or other specifications~~, including addenda;

(b) A determination that a specified procurement can be made only from a single source;

(c) Rejection of a response or all responses to a solicitation; or Approval of procurement by negotiation;

~~(d) Rejection of a bid or proposal, or all bids or proposals, or a request to approve a single source or negotiation; or~~

~~(d)(e)~~ Intention to award a contract as indicated by a posted solicitation bid or proposal tabulation or other written notice.

(3) "Competitive solicitation" or "solicitation" shall have the meaning ascribed in Section 287.012(7), F.S. For purposes of this chapter, "electronic transmissions" permitted by Rule 28-106.104, F.A.C., are limited to facsimile transmissions which appear legibly on paper at the place of filing.

(4) "Electronic posting" shall have the meaning ascribed in Section 287.012(11), F.S.

Specific Authority 120.54(5)(a), (b) FS. Law Implemented 120.57(3) FS. History--New 4-1-97, Amended.

28-110.003 Notice of Protest.

(1) A notice of protest shall be addressed to the office that issued the solicitation ~~ITB or RFP~~ or made any other decision that is intended to be protested; shall identify the solicitation procurement by number and title or any other language that will enable the agency to identify it; and shall state that the person intends to protest the decision. If a bond is required, it ~~shall should~~ not be filed with the notice unless otherwise required provided by law.

~~(2) The notice must be actually received by the agency before the 72-hour period expires. The notice should be filed at the place designated by the procurement solicitation or, if no such place is designated, the notice should be filed either with the office that issued the solicitation or with the agency clerk.~~

~~(2)(3)~~ A notice of protest ~~shall should~~ not be filed before the 72-hour period begins. The 72-hour period begins upon electronic posting of a decision or intended decision. The notice of protest must be received by the agency before the 72-hour period expires. The notice of protest must be filed with the agency clerk unless otherwise designated by the solicitation receipt of a copy of the ITB or RFP; when notice of a single source approval or disapproval or negotiation approval or disapproval is posted, or otherwise received if not posted; when a bid or proposal tabulation is posted; or when notice is otherwise received if not posted.

~~(3)(4)~~ The 72-hour period is not extended by service of the notice of protest by mail.

Specific Authority 120.54(5)(a), (b) FS. Law Implemented 120.57(3) FS. History--New 4-1-97, Amended.

28-110.004 Formal Written Protest.

(1) The "formal written protest" required by Section 120.57(3)(b), F.S., is a petition that states with particularity the facts and law upon which the protest is based; The formal written protest shall contains the information specified Section 120.54(5)(b)4, F.S., and in subsection 28-106.201(2), F.A.C.; ~~and is substantially in the form set out in subsection (2) below.~~ If the formal written protest is filed in proper form within the 72-hour period for filing a notice of protest, the formal written protest will also constitute the notice of protest; ~~and all time limits applicable to a notice of protest; Thereafter, and all time limits applicable to a notice of protest are waived and all time limits relative to formal written protests apply.~~

(2) through (3) No change.

Specific Authority 120.54(5)(a), (b) FS. Law Implemented 120.57(3) FS. History--New 4-1-97, Amended.

28-110.005 Bond.

(1) Bid protest bonds are required by Section 287.042(2)(c), F.S., for procurements under Chapter 287 (commodities, contractual services, professional services and insurance) and by Section 255.25(3)(c), F.S., for procurements of leases of space in privately owned buildings. Bonds are not required for protests involving building construction projects undertaken pursuant to Chapter 255, except that Section 255.0516, F.S., authorizes school boards, community college boards of trustees and a state university board of trustees ~~the Board of Regents~~ to require bonds under some circumstances. Bonds are also required ~~also~~ by Section 337.11(5)(a), F.S., for certain procurements by the Department of Transportation.

(2) Bonds required by Section 337.11(5)(a), F.S., must be filed with the notice of protest. Other bonds are not to be filed with the notice of protest, but must be filed with the formal written protest or within the 10-day period allowed for filing the formal written protest. The bond must accompany a protest filed pursuant to Section 24.109(2)(a), F.S. A bond can be in substantially the following form:

STATE OF FLORIDA ADMINISTRATION COMMISSION  
PROCUREMENT PROTEST BOND

Bond Number: \_\_\_\_\_

Contract Number: \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS:

That we, \_\_\_\_\_ a (mark one) [ ] corporation, [ ] partnership, [ ] proprietorship, organized and existing under the laws of

the State of \_\_\_\_\_, and having its principal place of business at \_\_\_\_\_, as PRINCIPAL; and \_\_\_\_\_, a surety company, organized under the laws of the State of \_\_\_\_\_, and duly authorized to do business in the State of Florida, whose principal place of business is, as SURETY, are

held and firmly bound unto the STATE OF FLORIDA, (Agency), as OBLIGEE, in the amount of \$ \_\_\_\_\_ for the payment of which sum we, as Principal and Surety, bind ourselves, our heirs, personal representatives, successors and assigns, jointly and severally.

THIS BOND is issued under the provisions of ~~Section 287.042(2)(e)~~, Florida Statutes. The above-named Principal has initiated an administrative protest regarding the Obligee's decision or intended decision pertaining to (mark one) [ ] Bid Number \_\_\_\_\_ [ ] an agency's request for approval of an exceptional purchase of \_\_\_\_\_ submitted by \_\_\_\_\_. Said protest is conditioned upon the posting of a bond at the time of filing the formal written protest.

NOW, THEREFORE, the condition of this Bond is that if the Principal, after the administrative hearing process and/or any appellate court proceedings regarding the protest, shall satisfy all costs and charges allowed by final order and/or judgment, and interest thereon, in the event the Obligee prevails, then the obligation shall be null and void; otherwise it shall remain in full force and effect.

The Obligee may bring an action in a court of competent jurisdiction on this bond for the amount of such liability, including all costs and attorneys' fees.

PRINCIPAL: \_\_\_\_\_

BY: \_\_\_\_\_

Title: \_\_\_\_\_ (CORPORATE SEAL)

ATTEST: \_\_\_\_\_

SURETY: \_\_\_\_\_

BY: \_\_\_\_\_

Title: \_\_\_\_\_ (CORPORATE SEAL)

Florida Resident Agent: \_\_\_\_\_

(Note: Power of Attorney showing authority of Surety's agent or Attorney in Fact must be attached).

Bonds must be countersigned by an agent licensed in Florida a Florida resident agent. Section 287.042(2)(c), F.S., authorizes a cashier's check or money order in lieu of a bond, for procurements governed by Chapter 287, F.S.

(3) through (4) No change.

Specific Authority 120.54(5)(a), (b) FS. Law Implemented 120.57(3), 624.425(1) FS. History--New 4-1-97, Joint Administrative Procedures Committee Objection Filed - See FAW Vol. 24, No. 20, May 15, 1998, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.302 RULE TITLE: Inmate Discipline - Terminology and Definitions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to clarify the definitions of major violation and minor violation and revise the Disciplinary Team composition to require that the team be made up of at least two staff persons, one of whom shall be a classification officer, senior classification officer or classification supervisor who serves as team chair at the direction of the warden.

SUMMARY: Amends the rule to clarify the definitions of major violation and minor violation and revise the Disciplinary Team composition to require that the team be made up of at least two staff persons, one of whom shall be a classification officer, senior classification officer or classification supervisor who serves as team chair at the direction of the warden.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.302 Inmate Discipline -- Terminology and Definitions.

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

(1) through (7) No change.

(8) Disciplinary Team - A team made up of at least two staff persons, one of whom shall be a classification officer, senior classification officer or classification supervisor ~~above~~, who serves as team chair at the direction of the warden, and a correctional officer lieutenant or above, who will be responsible for hearing disciplinary reports. The correctional officer chief shall designate a correctional officer sergeant as a substitute team member only if neither a lieutenant nor captain is available and only when such substitution is absolutely necessary.

(9) through (10) No change.

(11) Major Violation – Any rule violation where the maximum penalty is 30 DC and+ 30 GT or greater, or where the maximum penalty is less than 30 DC and+ 30 GT and the designating authority has determined that based upon one or more of the criteria listed in subsection 33-601.302(12), F.A.C., it is assigned to the disciplinary team as a major disciplinary report.

(12) Minor Violation – Any rule violation for which the maximum penalty that could be imposed is less than 30 days disciplinary confinement or+ 30 days loss of gain time shall be considered for assignment to the hearing officer as a minor disciplinary report based on:

- (a) through (c) No change.
- (13) through (16) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History–New 3-12-84, Formerly 33-22.02, Amended 12-30-86, 10-1-95, Formerly 33-22.002, Amended 5-21-00, 2-11-01, 9-16-04, 7-25-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Franchatta Barber, Deputy Assistant Secretary of Institutions – Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2006

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.724  
 RULE TITLE: Visitor Attire

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to include military style camouflage clothing (jungle, urban and desert) as inappropriate attire for visitors.

SUMMARY: Amends the rule to include military style camouflage clothing (jungle, urban and desert) as inappropriate attire for visitors.

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

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

SPECIFIC AUTHORITY: 944.09, 944.23 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23, 944.8031 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: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.724 Visitor Attire.

(1) Persons desiring to visit shall be fully clothed including shoes. Small hats such as baseball caps, religious coverings, or surgical caps are permissible attire. Visitors shall not be admitted to the visiting area if they are dressed in inappropriate attire. The warden, assistant warden or duty warden shall be the final decision authority and shall assist in resolving inappropriate attire situations. Inappropriate attire includes:

- (a)(1) Halter tops or other bra-less attire,
- (b)(2) Underwear type tee shirts,
- (c)(3) Tank tops,
- (d)(4) Fish net shirts,
- (e)(5) Skin tight clothing or spandex clothing,
- (f)(6) Clothes made with see-through fabric unless a non-see-through garment is worn underneath,
- (g)(7) Dresses, skirts, or Bermuda-length shorts more than three inches above the knee, ~~or~~
- (h)(8) Any article of clothing with a picture or language which presents a potential threat to the security or order of the institution, or

(i) Military style camouflage clothing to include jungle (green), urban (grey or black), and desert (tan or brown).

(2)(9) A visitor shall be subject to suspension of visiting privileges and the visit shall be terminated if, after admission to the visiting area, the visitor changes, removes or alters his or her attire so that it is in violation of subsection 33-601.724(1)-(8), F.A.C.

Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Formerly 3-601.708, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hieteenthia “Tina” Hayes, Acting Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2006

**DEPARTMENT OF CORRECTIONS**

**RULE NO.:** 33-601.725 **RULE TITLE:** Permissible Items for Visitors  
**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to amend the rule to prohibit visitors from possessing keyless entry devices in any department facility unless approved by the duty warden or designee.  
**SUMMARY:** Amends the rule to prohibit visitors from possessing keyless entry devices in any department facility unless approved by the duty warden or designee.  
**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No Statement of Estimated Regulatory Cost was prepared.

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

**SPECIFIC AUTHORITY:** 944.09, 944.23 FS.  
**LAW IMPLEMENTED:** 20.315, 944.09, 944.23, 944.47, 944.8031 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:** Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

**THE FULL TEXT OF THE PROPOSED RULE IS:**

- 33-601.725 Permissible Items for Visitors.
- (1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items shall be removed by the visitor at the end of the visit. Authorized items include:
    - (a) through (b) No change.
    - (c) Vehicle keys necessary to operate a motor vehicle. However, keyless entry devices are not permitted unless approved by the duty warden or designee.
    - (d) through (j) No change.
  - (2) No change.

Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23, 944.47, 944.8031 FS. History–New 11-18-01, Amended 5-27-02, 7-1-03, 12-30-03, 11-25-04,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** George Sapp, Assistant Secretary of Institutions  
**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Hieteenphia “Tina” Hayes, Acting Deputy Secretary  
**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** October 12, 2006  
**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** October 27, 2006

**DEPARTMENT OF CORRECTIONS**

**RULE NO.:** 33-601.737 **RULE TITLE:** Visiting – Forms  
**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to amend Form DC6-111D Visitation Screening Matrix, to clarify that visitation will be denied for certain convictions as measured from the date of the arrest and for persons who have terminated community supervision with the past year and amend Form DC6-111B, Visitor Information Summary, to provide that no military style camouflage clothing (to include jungle, urban, or desert) will be worn by males or females and that visitors will not be allowed to bring keyless entry devices into any department facility unless approved by the duty warden or designee.

**SUMMARY:** Amends the rule to incorporate amendments to Forms DC6-111D and DC6-111B. Form DC6-111D Visitation Screening Matrix, is amended to clarify that visitation will be denied for certain convictions as measured from the date of the arrest and for persons who have terminated community supervision with the past year and Form DC6-111B, Visitor Information Summary, is amended to provide that no military style camouflage clothing (to include jungle, urban, or desert) will be worn by males or females and that visitors will not be allowed to bring keyless entry devices into any department facility unless approved by the duty warden or designee.

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

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

**SPECIFIC AUTHORITY:** 944.09, 944.23 FS.  
**LAW IMPLEMENTED:** 944.09, 944.23, 944.8031 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:** Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

**THE FULL TEXT OF THE PROPOSED RULE IS:**

33-601.737 Visiting – Forms.

The following forms are hereby incorporated by reference. A copy of any of these forms is available from the Forms Control Administrator, Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

- (1) through (3) No change.
- (4) DC6-111B, Visitor Information Summary, effective 7-17-05.
- (5) No change.
- (6) DC6-111D, Visitor Screening Matrix, effective 3-21-06.

Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Amended 4-29-02, 9-29-03, 3-31-05, 7-17-05, 3-21-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
George Sapp, Assistant Secretary of Institutions  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hieteenphia “Tina” Hayes, Acting Deputy Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2006

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-602.101                      RULE TITLE: Care of Inmates

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to designate how inmate identification cards will be displayed.

SUMMARY: Amends the rule to designate how inmate identification cards will be displayed.

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

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

SPECIFIC AUTHORITY: 944.09, 945.215 FS.

LAW IMPLEMENTED: 944.09, 945.215 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: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.101 Care of Inmates.

- (1) No change.
- (2) Inmates shall at all times wear the regulation clothing and identification card in accordance with institution policy.
  - (a) through (g) No change.
  - (h) The ID card shall be displayed on the tab designed for identification card display located on the right side of the shirt (male) or on the collar of the blouse (female) left front shirt pocket, collar of the blouse, collar of a shirt without pockets, or on the shirt tab designed for this purpose. In those circumstances in which an inmate is not wearing an upper garment, the inmate is responsible for securing the ID card. Once the special circumstance is over, the ID card shall again be displayed on the shirt or blouse.
    - (i) through (j) No change.
    - (3) through (11) No change.

Specific Authority 944.09, 945.215 FS. Law Implemented 944.09, 945.215 FS. History–New 10-8-76, Amended 4-19-79, 4-24-80, 10-14-84, 1-9-85, Formerly 33-3.02, Amended 11-3-87, 10-6-88, 7-23-89, 8-27-91, 3-30-94, 11-13-95, 6-2-99, Formerly 33-3.002, Amended 11-21-00, 1-25-01, 1-19-03, 9-23-03, 3-5-06, 10-23-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Franchatta Barber, Deputy Assistant Secretary of Institutions – Programs  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2006

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER NO.: 40D-1                      RULE CHAPTER TITLE: Procedural

RULE NO.: 40D-1.659                      RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The purpose of the rule amendments is to incorporate by reference revisions to the Proposed Well Construction Location and Design Form. The proposed revisions to the form request additional information concerning the design of the proposed well. The additional information includes the pipe diameter, the estimated depth of the well pump, and the depth of any well screen. Other revisions to the form include corrections of grammatical errors or inconsistent references.

SUMMARY: The proposed rule amendment adopts revisions to the Proposed Well Construction Location and Design Form relating to Water Use Permitting. The revisions request additional information concerning the design of the proposed

well that includes pipe diameter, estimated well pump depth, and the depth of any well screen. The revisions will also include a revised form number.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-1.659, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to 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, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (2) No change.

(3) PROPOSED WELL CONSTRUCTION LOCATION AND DESIGN FORM FORM NO. LEG-R.006.00 ( / ) 41-10-003-2/94/MH

(4) through (20) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (14) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05,\_\_\_\_\_.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40D-4 Individual Environmental Resource Permits

RULE NO.: RULE TITLE:

40D-4.331 Modification of Permits

PURPOSE AND EFFECT: The proposed amendment of Rule 40D-4.331, F.A.C., will update a reference to the General Environmental Resource Permit Application for Modification Related to Outparcel Construction Within Permitted Commercial Projects, Form No. LEG-R.001.00(02/05).

SUMMARY: The proposed rule amendment will update reference to the form used to request modification of certain environmental resource construction permits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-1.607, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to 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, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.413, 373.416(1), 373.429, 373.805 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.331 Modification of Permits.

An application for modification of an environmental resource permit shall be processed in accordance with this rule, unless the permit is revoked, suspended or expired.

(1) No change.

(2) Applications to modify a construction permit shall be made:

(a) By formal application and review using the same criteria as new applications, pursuant to Rules 40D-4.101, 40D-4.301 and 40D-4.302, F.A.C., unless the proposed modification involves an outparcel construction within a permitted commercial project. A request for modification involving construction within an outparcel of a permitted

commercial or industrial development should be made using the form “General Environmental Resource Permit Application for Modification Related to Outparcel Construction Within Permitted Commercial Projects” District Form No. LEG-R001.00(2/05), adopted by reference in Rule 40D-1.659, F.A.C.

- (b) No change.
- (3) through (4) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.413, 373.416(1), 373.429, 373.805 FS. History—Readopted 10-5-74, Formerly 16J-4.13, Amended 10-1-84, 3-1-88, 10-1-88, 6-29-93, 10-3-95, 7-23-96, 2-1-05, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
 40D-8 Water Levels and Rates of Flow  
 RULE NO.: RULE TITLE:  
 40D-8.624 Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: To amend Chapter 40D-8, Florida Administrative Code, to incorporate the next priority lakes pursuant to Section 373.042, Florida Statutes.

SUMMARY: The proposed amendments establish minimum lake levels and guidance levels for Big Gant Lake, Lake Deaton, Lake Miona, Black Lake, Lake Okahumpka and Lake Panasoffkee in Sumter County, Florida, based on the District's current minimum lake level establishment methodology described in Rule 40D-8.624, F.A.C. The proposed amendments also repeal guidance levels previously adopted for these lakes and correct a rule reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's

determination that the proposed revisions to Rule 40D-8.624, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.  
 LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Doug Leeper, Senior Environmental Scientist, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272

THE FULL TEXT OF THE PROPOSED RULE IS:

- 40D-8.624 Guidance and Minimum Levels for Lakes.
- (1) through (12) No change.
- (13) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(8)(7), F.A.C., to establish the level. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(14), F.A.C., below:

Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.

Location by County and Basin	Name of Lake and Section, Township and Range Information	Ten-Year Flood Guidance Level	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a) through (b) No change.						
(c) In Citrus County Within the Withlacoochee River Basin	<u>Fort Cooper Lake</u> <u>S-27 T-19S R-20E</u>	<u>35.4</u>	<u>30.9</u>	<u>30.1</u> <u>(CAT 3)</u>	<u>28.7</u> <u>(CAT 3)</u>	<u>26.7</u>
<b>RESERVED</b>	<u>Tsala Apopka Lake (Lakes and wetlands comprising the Floral City Pool)</u> <u>S-14 T-20S R-20E</u>	<u>43.4</u>	<u>41.8</u>	<u>41.2</u> <u>(CAT 1)</u>	<u>39.8</u> <u>(CAT 1)</u>	<u>39.6</u>
	<u>Tsala Apopka Lake (Lakes and wetlands comprising the Hernando Pool)</u> <u>S-26 T-18S R-19E</u>	<u>40.5</u>	<u>39.0</u>	<u>38.7</u> <u>(CAT 1)</u>	<u>37.3</u> <u>(CAT 1)</u>	<u>35.9</u>

	<u>Tsala Apopka Lake (Lakes and wetlands comprising the Inverness Pool)</u> <u>S-08 T-19S R-20E</u>	<u>41.8</u>	<u>40.3</u>	<u>40.1</u> <u>(CAT 1)</u>	<u>38.7</u> <u>(CAT 1)</u>	<u>37.8</u>
(d) through (m) No change.						
(n) In Levy County Within the Withlacoochee River Basin	<u>Marion, Lake</u> <u>S-02 T-14S R-17E</u>	<u>56.6</u>	<u>55.3</u>	<u>54.6</u> <u>(CAT 3)</u>	<u>50.7</u> <u>(CAT 3)</u>	<u>47.7</u>
<del>RESERVED</del>						
(o) through (bb) No change.						
(cc) In Sumter County Within the Withlacoochee River Basin	<u>Big Gant Lake</u> <u>S-14 T-22S R-22E</u>	<u>77.6</u>	<u>76.1</u>	<u>76.3</u> <u>(CAT 1)</u>	<u>74.9</u> <u>(CAT 1)</u>	<u>73.4</u>
<del>RESERVED</del>						
	<u>Black Lake</u> <u>S-23 T-18S R-23E</u>	<u>57.5</u>	<u>54.7</u>	<u>53.9</u> <u>(CAT 3)</u>	<u>51.3</u> <u>(CAT 3)</u>	<u>49.6</u>
	<u>Deaton, Lake</u> <u>S-14 T-19S R-23E</u>	<u>65.8</u>	<u>65.2</u>	<u>64.8</u> <u>(CAT 3)</u>	<u>63.2</u> <u>(CAT 3)</u>	<u>62.2</u>
	<u>Miona, Lake</u> <u>S-27 T-18S R-23E</u>	<u>57.5</u>	<u>54.7</u>	<u>53.9</u> <u>(CAT 3)</u>	<u>51.3</u> <u>(CAT 3)</u>	<u>49.6</u>
	<u>Okahumpka, Lake</u> <u>S-21 T-19S R-23E</u>	<u>59.9</u>	<u>58.1</u>	<u>58.1</u> <u>(CAT 1)</u>	<u>56.7</u> <u>(CAT 1)</u>	<u>55.0</u>
	<u>Panasoffkee, Lake</u> <u>S-29 T-19S R-22E</u>	<u>42.8</u>	<u>40.5</u>	<u>40.8</u> <u>(CAT 1)</u>	<u>39.4</u> <u>(CAT 1)</u>	<u>38.9</u>

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

Location of Impoundment by County and Basin	Table 8-3 Guidance Water Levels adopted prior to August 7, 2000				
	Ten-Year Flood Guidance Level in Feet Above Mean Sea Level (msl)	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)	
(a) through (b) No change.					
(c) In Citrus County Within the Withlacoochee River Basin					
Bradley, Lake S23 T20S R20E	43.40	42.50	40.25	38.25	
Cato, Lake S5 T19 R20	38.82	38.00	35.50	34.00	
Connell, Lake S6 T19 R20	35.68	35.50	32.00	30.00	
Cooter, Lake S17 T19 R20	41.80	40.50	38.25	36.25	
Hog Pond, Lake (Nina) S2 T19 R19	35.92	34.50	32.00	30.00	
Holden, Lake (Inverness) S32 T19 R20	32.44	32.00	29.50	28.00	
Magnolia, Lake S3 T20 R20	32.36	31.00	28.50	27.00	
Rush, Lake (Williams) S03 T17 R18	36.20	35.75	33.25	31.25	

Lake Tsala Apopka (Floral City Pool)	43.40	42.50	40.25	38.25
19 19S 21E				
21 19S 21E				
22 19S 21E				
27 19S 21E				
28 19S 21E				
29 19S 21E				
30 19S 21E				
31 19S 21E				
32 19S 21E				
33 19S 21E				
34 19S 21E				
1 20S 20E				
2 20S 20E				
3 20S 20E				
10 20S 20E				
11 20S 20E				
12 20S 20E				
13 20S 20E				
14 20S 20E				
3 20S 21E				
4 20S 21E				
5 20S 21E				
6 20S 21E				
7 20S 21E				
8 20S 21E				
17 20S 21E				
18 20S 21E				
25 19S 20E				
26 19S 20E				
34 19S 20E				
35 19S 20E				
36 19S 20E				
Lake Tsala Apopka (Hernando Pool)	40.50	39.00	36.75	34.75
Sec. Twsp. Rng.				
1 18S 19E				
2 18S 19E				
11 18S 19E				
12 18S 19E				
13 18S 19E				
23 18S 19E				
24 18S 19E				
25 18S 19E				
26 18S 19E				
5 18S 20E				
6 18S 20E				
7 18S 20E				
8 18S 20E				
16 18S 20E				
17 18S 20E				
18 18S 20E				
19 18S 20E				
20 18S 20E				
21 18S 20E				
27 18S 20E				
28 18S 20E				

29	18S	20E				
30	18S	20E				
31	18S	20E				
32	18S	20E				
33	18S	20E				
Lake Tsala Apopka (Inverness Pool)			41.80	40.50	38.25	36.25
33	18S	20E				
34	18S	20E				
35	18S	20E				
1	19S	20E				
2	19S	20E				
3	19S	20E				
4	19S	20E				
8	19S	20E				
9	19S	20E				
10	19S	20E				
11	19S	20E				
12	19S	20E				
13	19S	20E				
14	19S	20E				
15	19S	20E				
16	19S	20E				
17	19S	20E				
21	19S	20E				
22	19S	20E				
23	19S	20E				
18	19S	21E				
19	19S	21E				
Little Lake (Consuella)			43.40	41.50	39.00	37.25
S15 T20S R20E						
Twin Lake			38.11	37.00	35.00	33.00
S6 T19 R20						
(d) through (m) No change.						
(n) In Levy County Within the Withlacoochee River Basin						
Marion Lake			56.60	53.00	50.50	48.50
S02 T14 R17						
(o) through (bb) No change.						
(cc) In Sumter County Within the Withlacoochee River Basin						
LAKES						
Big Gant Lake			76.50	76.25	74.50	72.50
S14 T22S R22E						
Black Lake			56.70	55.00	53.00	51.00
S23 T18S R23E						
Cherry Lake			56.70	55.00	53.00	51.00
S24 T18S R23E						
Deaton Lake			65.50	65.00	62.00	60.00
S14 T19S R23E						
Miona Lake			56.70	55.00	53.00	51.00
S27 T18S R23E						
Okahumpka Lake			59.90	58.75	56.25	54.00
S21 T19S R23E						
Panasofkee Lake			42.80	42.50	39.50	38.50

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS. History—New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85,

5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04, 12-10-04, 6-5-05, 5-2-06,\_\_\_\_\_.

**LAND AND WATER ADJUDICATORY COMMISSION**

**Six Mile Creek Community Development District**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

42GGG-1 Six Mile Creek Community Development District

RULE NOS.: RULE TITLES:

42GGG-1.001 Establishment

42GGG-1.002 Boundary

42GGG-1.003 Supervisor

**PURPOSE, EFFECT AND SUMMARY:** The purpose of this proposed rule is to establish a community development district (“CDD”), the Six Mile Creek Community Development District (“District”), pursuant to Chapter 190, F.S. The petition filed by Six Mile Creek Venture, LLC, requests the Commission establish a community development district located entirely within the unincorporated limits of St. Johns County, Florida. A Notice of Receipt of Petition for the Six Mile Creek Community Development District was published in the June 30, 2006, edition of the *Florida Administrative Weekly*. The land area proposed to be served by the District comprises approximately 1,282.15 acres. A general location map is contained as Exhibit 1 to the petition to establish the District. The proposed land area is east of Joe Ashton Road, north of County Road 208, west of Pacetti Road and south of the intersection of Pacetti Road and State Road 16. There is one excluded parcel within the boundary of the proposed District at 5405 S.R. 16, St. Augustine, Florida. No adverse impacts on the excluded parcel are anticipated. The Petitioner either owns or has written consent to establish the District from the owners of 100% of the real property located within the proposed District. The development plan for the District includes construction of approximately 2,278 units of single family detached, single family attached units and multi-family housing. The District contemplates providing certain master infrastructure improvements within the boundaries to include roadway improvements to Pacetti Road and Loop Road, utility infrastructure improvements including water main and force main on Pacetti Road and a water main interconnection, recreation and security improvements including entry feature, landscaping and a guard house, and neighborhood infrastructure including lift stations and force mains, drainage, neighborhood roadways, street lighting and neighborhood parks.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit 9 to the petition. The scope of the 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 modest administrative costs. St. Johns County will incur modest costs resulting from the initial review and on-going costs resulting from the on-going administration of the District. There is a \$15,000 filing fee paid to St. Johns County to offset any costs it may incur. 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 to establish the District will have no impact or a positive impact on all small businesses. The petition to establish the District will not have an impact on small counties as defined by Section 120.52, F.S., as St. Johns County is not defined as a small county. Under section (e), the analysis provided in the SERC was based on a straightforward application of economic theory. Input was received from the developer’s engineer and other professionals associated with the developer.

**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, A HEARING WILL NOT BE HELD):**

**DATE AND TIME:** Wednesday, December 20, 2006, 10:00 a.m.

PLACE: Room 1802M, The Capitol, Tallahassee, Florida  
 Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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 RULE IS:

SIX MILE CREEK COMMUNITY DEVELOPMENT DISTRICT

42GGG-1.001 Establishment.

The Six Mile Creek Community Development District is hereby established.

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

42GGG-1.002 Boundary.

The boundaries of the District are as follows:

A PART OF SECTIONS 31 AND 38, TOWNSHIP 6 SOUTH, RANGE 28 EAST, TOGETHER WITH A PART OF SECTIONS 6, 38 AND 41, TOWNSHIP 7 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE SOUTHERLY LINE OF SAID SECTION 41, TOWNSHIP 7 SOUTH, RANGE 28 EAST, WITH THE WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 13A (A 100.00 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE NORTH 71°03'40" WEST, ALONG THE SAID SOUTH LINE OF SECTION 41, A DISTANCE OF 1065.59 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 71°03'40" WEST, ALONG THE SOUTHERLY LINE OF SAID SECTION 41, A DISTANCE OF 3030.75 FEET; THENCE NORTH 60°13'49" WEST, CONTINUING ALONG SAID SECTION LINE, A DISTANCE OF 1734.02 FEET TO THE COMMON CORNER TO SECTIONS 41, 5 AND 6; THENCE SOUTH 03°24'47" EAST, ALONG THE EASTERLY LINE OF SAID SECTION 6, A DISTANCE OF 3052.10 FEET; THENCE SOUTH 03°20'35" EAST, ALONG THE EASTERLY LINE OF SAID SECTION 38, A DISTANCE OF 2086.25 FEET; THENCE NORTH 86°59'59" WEST, A DISTANCE OF 863.15 FEET TO THE WATERS OF SIX MILE CREEK; THENCE NORTH 46°05'12" WEST, ALONG THE WATERS OF SAID SIX MILE CREEK, A DISTANCE OF 1430.00 FEET; THENCE NORTH 45°06'48" WEST, ALONG THE WATERS OF SIX MILE CREEK, A DISTANCE OF 1973.08 FEET; THENCE NORTH 15°52'42"

WEST, ALONG THE WATERS OF SAID SIX MILE CREEK, A DISTANCE OF 639.84 FEET; THENCE NORTH 07°08'17" EAST, A DISTANCE OF 540.00 FEET TO A POINT IN THE DIVISION LINE BETWEEN SECTION 6 AND 38; THENCE NORTH 89°07'35" WEST, ALONG SAID DIVISION LINE, A DISTANCE OF 540.00 FEET; THENCE NORTH 01°20'11" WEST, ALONG THE WESTERLY LINE OF THE NORTH 28 ACRES OF THE NORTHEAST ONE QUARTER AND NORTHWEST ONE QUARTER OF SAID SECTION SIX, A DISTANCE OF 2665.80 FEET TO A POINT IN SAID SIX MILE CREEK; THENCE WITH THE WATERS OF SAID SIX MILE CREEK, THE FOLLOWING FOURTEEN (14) COURSES: COURSE NO. 1) NORTH 21°46'57" WEST, A DISTANCE OF 115.71 FEET; COURSE NO. 2) NORTH 04°03'00" WEST, A DISTANCE OF 471.70 FEET; COURSE NO. 3) NORTH 15°30'16" WEST, A DISTANCE OF 530.00 FEET; COURSE NO. 4) NORTH 74°15'52" WEST, A DISTANCE OF 160.00 FEET; COURSE NO. 5) NORTH 31°54'28" WEST, A DISTANCE OF 147.65 FEET; COURSE NO. 6) NORTH 14°54'52" WEST, A DISTANCE OF 655.70 FEET; COURSE NO. 7) NORTH 58°35'33" WEST, A DISTANCE OF 336.17 FEET; COURSE NO. 8) NORTH 38°53'09" WEST, A DISTANCE OF 291.63 FEET; COURSE NO. 9) NORTH 07°47'32" EAST, A DISTANCE OF 480.55 FEET; COURSE NO. 10) NORTH 31°04'47" WEST, A DISTANCE OF 88.74 FEET; COURSE NO. 11) NORTH 20°38'46" EAST, A DISTANCE OF 219.13 FEET; COURSE NO. 12) NORTH 32°56'28" WEST, A DISTANCE OF 141.49 FEET; COURSE NO. 13) NORTH 08°25'22" EAST, A DISTANCE OF 515.92 FEET; COURSE NO. 14) NORTH 15°06'25" WEST, A DISTANCE OF 651.10 FEET; THENCE NORTH 77°45'24" EAST, LEAVING THE WATERS OF SIX MILE CREEK, A DISTANCE OF 2251.55 FEET; THENCE SOUTH 40°06'20" EAST, A DISTANCE OF 3560.03 FEET; THENCE SOUTH 85°45'56" EAST, A DISTANCE OF 4260.63 FEET TO A POINT IN THE DIVISION LINE BETWEEN SAID SECTION 38 AND SECTION 37; THENCE SOUTH 01°06'48" EAST, ALONG SAID WESTERLY LINE OF SECTION 37, A DISTANCE OF 258.39 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 37; THENCE SOUTH 89°40'57" EAST, ALONG THE SOUTH LINE OF SAID SECTION 37, A DISTANCE OF 1179.79 FEET TO THE NORTHWEST CORNER OF A 30.00 FOOT WIDE DRAINAGE EASEMENT, AS RECORDED IN DEED BOOK 182, PAGE 133; THENCE SOUTH 37°05'42" EAST, A DISTANCE OF 930.18 FEET; THENCE SOUTH 12°23'05" WEST, ALONG A LINE PARALLEL WITH AND LYING 50.00 FOOT WESTERLY OF WHEN MEASURED AT RIGHT ANGLES TO THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 13A (A 100.00 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), A DISTANCE OF 1482.90 FEET TO THE

POINT OF CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 2392.01 FEET; THENCE SOUTHWESTERLY, CONTINUING ALONG SAID PARALLEL LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 604.31 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 05°08'51" WEST AND A CHORD DISTANCE OF 602.70 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 02°05'24" EAST, CONTINUING ALONG SAID PARALLEL LINE, A DISTANCE OF 868.99 FEET; THENCE SOUTH 87°54'35" WEST, LEAVING SAID PARALLEL LINE, A DISTANCE OF 944.62 FEET; THENCE SOUTH 02°05'25" EAST, A DISTANCE OF 759.38 FEET TO THE POINT OF BEGINNING.

CONTAINING 1288.95 ACRES MORE OR LESS.

LESS AND EXCEPT THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 250, PAGE 693 OF THE PUBLIC RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SEC. 6, TOWNSHIP 7 SOUTH, RANGE 28 EAST; THENCE RUN NORTH 420 FEET TO A STAKE, THENCE RUN WEST 330 FEET TO A STAKE, THENCE RUN SOUTH 420 FEET TO A STAKE, THENCE RUN EAST 330 FEET TO POINT OF BEGINNING; CONTAINING THREE (3) ACRES MORE OR LESS AND BEING A PART OF THE PROPERTY CONVEYED BY GORDON FERREIRA AND WIFE TO JOHN Y. SMITH BY DEED DATED OCTOBER 25, 1899, AND RECORDED IN DEED RECORD N3, PAGE 133, ST. JOHNS COUNTY RECORDS.

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 6, TOWNSHIP 7 SOUTH, RANGE 28 EAST; THENCE RUN WEST 330 FEET TO A STAKE, THENCE RUN SOUTH 10 CHAINS TO A STAKE, THENCE RUN EAST 330 FEET TO A STAKE, THENCE RUN NORTH 10 CHAINS TO A POINT OF BEGINNING; CONTAINING FOUR (4) ACRES MORE OR LESS, AND BEING PART OF THE PROPERTY CONVEYED BY R. I. KNOWLES TO JOHN Y. SMITH BY DEED DATED APRIL 16, 1888, AND RECORDED IN DEED RECORD "LL", PAGE 675, ST. JOHNS COUNTY RECORDS. (6.80 ACRES MORE OR LESS OR 296,208 SQUARE FEET MORE OR LESS).

TOTAL AREA = 1288.95 - 6.80 = 1282.15 ACRES

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

42GGG-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Kelly Kulinski, Steward A. Sparks, III, Cynthia Jones, Kirk Wendland, and Margaret Jenness.

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

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 13, 2006

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.001

RULE TITLE: Medicaid Providers Who Bill on the CMS-1500

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference Update January 2007 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500. The Department of Health and Human Services, Centers for Medicare and Medicaid, revised the CMS-1500 claim form. The handbook update contains the instructions for the revised claim form. The effect will be to incorporate by reference in rule Update January 2007 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500.

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

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.907, 409.908, 409.912 FS.

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

DATE AND TIME: Thursday, December 14, 2006, 1:00 p.m.  
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Girard, Agency for Health Care Administration, Medicaid Services, 2727 Mahan Drive, MS #20, Tallahassee, FL 32308, (850)488-9711

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

(2) The following forms that are included in the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, are incorporated by reference: in Chapter 1, the CMS-1500 Claim Form, Approved OMB-0938-0008 0999 Form CMS-1500 (08-05 42-90), one page double-sided; and in Chapter 2, the Healthy Start Prenatal Risk Screening Instrument, DH 3134, 9/97, one page. The following forms that are included in Chapter 2 of the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, are incorporated by reference in Rule 59G-4.160, F.A.C.: State of Florida, Florida Medicaid Authorization Request, PA01 04/2002, one page; Medically Needy Billing Authorization, DF-ES 2902, June 2003, one page; State of Florida, Sterilization Consent Form, SCF 7/94, one page; State of Florida, Hysterectomy Acknowledgment Form, HAF 07/1999, one page; State of Florida, Exception to Hysterectomy Acknowledgment Requirement, ETA 07/2001, one page; State of Florida, Abortion Certification Form, AHCA-Med Serv Form 011, August 2001, one page. All the forms except for the Healthy Start Prenatal Risk Screening Instrument are available from the Medicaid fiscal agent by calling Provider Inquiry at (800)289-7799 or from its website at <http://floridamedicaid.acs-inc.com>. Click on Provider

Support, and then on Medicaid Forms. The Healthy Start Prenatal Risk Screening Instrument is available from the local County Health Department.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Girard

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 7, 2006

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE NO.: 61-5.007  
 RULE TITLE: Administrative Penalty Guidelines for Unlicensed Activity

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to set administrative penalty guidelines for violations of the unlicensed activity statutes articulated by Chapter 455, F.S., the professional practice acts administered by DBPR.

SUMMARY: The rule creates guidelines for imposing administrative penalties for violations of the unlicensed activity statutes in Chapter 455, F.S., and the professional practice acts administered by DBPR.

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: 455.228 FS.

LAW IMPLEMENTED: 455.228 FS.

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

DATE AND TIME: December 11, 2006, 2:30 p.m. – 4:00 p.m.  
 PLACE: Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 North Monroe Street, Tallahassee, Florida 32399

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 48 hours before the workshop/meeting by contacting: Jennifer A. Tschetter at (850)488-0062. 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: Jennifer A. Tschetter, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

THE FULL TEXT OF THE PROPOSED RULE IS:

61-5.007 Administrative Penalty Guidelines for Unlicensed Activity.

(1) In imposing administrative penalties upon unlicensed persons, the Department of Business and Professional Regulation (hereinafter, "Department") shall act in accordance with the following guidelines and shall impose a penalty consistent herewith absent the application of aggravating or mitigating circumstances and subject to the provisions of Section 455.228, Florida Statutes.

(2) For the purpose of this rule, the term "license" shall mean the professional license, registration, certificate or certification issued by the Department to authorize the practice of a profession pursuant to a professional practice act administered by the Department.

(3) All penalties established herein are for each count or separate violation found.

(4) In imposing administrative penalties hereunder in cases in which a Notice to Cease and Desist or Order to Cease and Desist has been issued to the unlicensed person prior to the violation(s) currently being prosecuted, the Department shall impose its attorney fees and costs, including the costs of collection, pursuant to subsection 455.228(1), Florida Statutes.

(5) For using a professional title or designation without holding the requisite license to do so, the following penalties shall apply:

(a) First violation – \$2500 administrative fine; and

(b) Second and subsequent violations – \$5000 administrative fine.

(6) For advertising or offering to practice a profession without holding the requisite license to do so, the following penalties shall apply:

(a) First violation – \$3000 administrative fine; and

(b) Second and subsequent violations – \$5000 administrative fine.

(7) For practicing a profession without holding the requisite license to do so, the following penalties shall apply:

(a) First violation – \$4000 administrative fine; and

(b) Second and subsequent violations – \$5000 administrative fine.

(8) Notwithstanding the foregoing, all second and subsequent violations of Section 489.13, Florida Statutes, shall result in the imposition of a \$10,000 administrative fine.

(9) Circumstances which may be considered for the purposes of mitigation or aggravation of the foregoing penalties shall include, but are not limited to, the following:

(a) Monetary or other damage to the unlicensed person's customer and/or other persons, in any way associated with the violation, which damage the unlicensed person has not relieved as of the time the penalty is to be assessed.

(b) The severity of the offense.

(c) The danger to the public.

(d) The number of repetitions of offenses.

(e) The number of complaints filed against the unlicensed person.

(f) The length of time the unlicensed person has been engaging in unlicensed activity.

(g) The actual damage, physical or otherwise, to the unlicensed person's customer.

(h) The deterrent effect of the penalty imposed.

(i) The effect of the penalty upon the unlicensed person's livelihood.

(j) Any efforts at rehabilitation.

(k) The unlicensed person's use of an altered license or impersonation of a licensee.

(l) Any other mitigating or aggravating circumstances.

(10) The administrative penalty guidelines established by this rule are only applicable to final orders issued by the Secretary of the Department or his/her appointed designee.

Specific Authority 455.228 FS. Law Implemented 455.228 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jennifer A. Tschetter, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marsteller, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE NO.:                      RULE TITLE:

61G1-12.005                      Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language concerning fines.

SUMMARY: New fines will be added concerning practicing without a certificate of authorization and failing to timely respond to a continuing education audit.

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: 455.224, 455.225, 481.306 FS.

LAW IMPLEMENTED: 455.224 FS.

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

(b) Firm practicing without a certificate of authorization (481.219, F.S.)

(c) through (d) No change.

(e) Failure to timely respond to a continuing education audit (481.225(1)(a), F.S. through 61-6.010, F.A.C.

(4) through (5) No change.

Specific Authority 455.224, 455.225, ~~481.306~~ FS. Law Implemented 455.224 FS. History--New 12-22-91, Amended 1-3-93, 3-28-93, Formerly 21B-12.005, Amended 11-16-93, 5-4-97, 2-25-98, 12-3-98, 6-30-99, 12-12-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 25, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE NO.: 61G1-16.002  
RULE TITLE: Description of Seal

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to provide a description of the seal required.

SUMMARY: The type of seal required will be added to the rule.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-12.005 Citations.  
(1) through (3)(a) No change.

~~A penalty of \$100 per month or \$500 maximum. \$500.00 fine for up to 5 years unauthorized practice. \$750 fine for 5 years up to 10 years. \$1,000 fine for 10 or more years.~~ (Penalty requires firm to obtain certificate of authorization or cease practice.)

\$500 fine

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: 481.221 FS.

LAW IMPLEMENTED: 481.221(2) 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 Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-16.002 Description of Seal.

(1) The seal shall contain the name of only one architect or interior designer and the registration number; the seal of the architect shall be circular, and the seal of the interior designer shall be hexagonal. Both seals shall be an impression-type metal seal, approximately 2" in diameter with two circular lines between which lines shall appear, at the top, the words "State of Florida" and at the bottom the words "registered architect" or "licensed interior designer," whichever is applicable.

(2) No change.

Specific Authority 481.221 FS. Law Implemented 481.221(2) FS. History--New 12-23-79, Formerly 21B-16.002, Amended 7-27-89, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Architecture and Interior  
Design

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: October 24, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: August 25, 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."

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-204.800	Federal Regulations Adopted by Reference

**PURPOSE AND EFFECT:** The proposed rule involves amendments to rule Chapter 62-204, F.A.C., to update the Department's adoption by reference of U.S. Environmental Protection Agency (EPA) regional haze regulations at 40 CFR Part 51. The update includes recent revisions to EPA's regulations related to Best Available Retrofit Technology (BART). Pursuant to the federal Clean Air Act, the Department is required to ensure that certain sources of visibility-impairing pollutants in Florida use BART to reduce the impact of their emissions on regional haze. The proposed amendments are part of the Department's overall rulemaking project to implement the BART requirement.

**SUMMARY:** EPA BART regulations at 40 CFR Part 51 and related EPA regulations at 40 CFR Parts 52 and 81 are adopted and incorporated by reference in support of the Department's overall rulemaking project including exemptions and other administrative procedures related to BART implementation.

**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:** 403.061 FS.

**LAW IMPLEMENTED:** 403.031, 403.061, 403.087 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:** Monday, December 18, 2006, 1:30 p.m.

**PLACE:** Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors Conference Room, 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 48 hours before the workshop/meeting by contacting: Ms. Lynn Searce at Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, or [lynn.searce@dep.state.fl.us](mailto:lynn.searce@dep.state.fl.us), phone (850)921-9551. 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:** Ms. Lynn Searce at Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, or [lynn.searce@dep.state.fl.us](mailto:lynn.searce@dep.state.fl.us), phone (850)921-9551

**THE FULL TEXT OF THE PROPOSED RULE IS:**

62-204.800 Federal Regulations Adopted by Reference.

All federal regulations cited throughout the air pollution rules of the Department are adopted and incorporated by reference in this rule. The purpose and effect of each such federal regulation is determined by the context in which it is cited. Procedural and substantive requirements in the incorporated federal regulations are binding as a matter of state law only where the context so provides.

(1) No change.

(2) Chapter 40, Code of Federal Regulations, Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

(a) The following subparts of 40 CFR Part 51, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. through 2. No change.

3. 40 CFR 51, Subpart P, Protection of Visibility, amended July 6, 2005, at 70 FR 39103; amended October 13, 2006, at 71 FR 60611.

4. through 5. No change.

(b) The following appendices of 40 CFR Part 51, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. through 3. No change.

4. 40 CFR 51, Appendix Y, Guidelines for BART Determination Under the Regional Haze Rule, promulgated July 6, 2005, at 70 FR 39103.

(3) Chapter 40, Code of Federal Regulations, Part 52, Approval and Promulgation of Implementation Plans. The following subparts of 40 CFR Part 52, revised as of July 1, 2003, or later as specifically indicated, are adopted and incorporated by reference:

(a) No change.

(b) 40 CFR Part 52, Subpart K, Florida, amended July 22, 2003, at 68 FR 43312; amended August 11, 2003, at 68 FR 47468; amended February 13, 2004 at 69 FR 7127; amended March 29, 2004, at 69 FR 16167; amended June 17, 2004, at 69 FR 33860; amended April 28, 2006, at 71 FR 25327.

(4) through (21) No change.

(22) Chapter 40, Code of Federal Regulations, Part 81, Designation of Areas for Air Quality Planning Purposes. The following sections and subparts of 40 CFR Part 81, revised as of July 1, 2005 ~~July 1, 2004~~, or later as specifically indicated, are adopted and incorporated by reference:

(a) through (f) No change.

(g) 40 CFR Part 81, Subpart D, Identification of Mandatory Class I Federal Areas Where Visibility Is an Important Value.

(23) through (25) No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History—New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00, 10-1-00, 1-1-01, 8-1-01, 10-1-01, 4-1-02, 7-1-02, 10-1-02, 1-1-03, 4-1-03, 10-1-03, 1-1-04, 4-1-04, 7-1-04, 10-1-04, 1-1-05, 4-1-05, 7-1-05, 10-1-05, 1-1-06, 4-1-06, 9-4-06, 9-6-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Sole

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 25, 2006

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-296.340                      RULE TITLE: Best Available Retrofit Technology

PURPOSE AND EFFECT: The proposed rule involves amendments to rule Chapter 62-296, F.A.C., to implement the Best Available Retrofit Technology (BART) portion of the U.S. Environmental Protection Agency's regional haze rules. Pursuant to the federal Clean Air Act, the Department is required to ensure that certain sources of visibility-impairing pollutants in Florida use BART to reduce the impact of their emissions on regional haze. New Rule 62-296.340, F.A.C., is created to set forth procedural requirements by which individual BART determinations will be made.

SUMMARY: The proposed new rule section addresses air permitting requirements for sources subject to BART and visibility analysis requirements for sources claiming exemption from BART.

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: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 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: Friday, December 18, 2006, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors Conference Room, 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 48 hours before the workshop/meeting by contacting: Ms. Lynn Searce at (850)921-9551. 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: Ms. Lynn Searce at Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, or lynn.searce@dep.state.fl.us, phone (850)921-9551

THE FULL TEXT OF THE PROPOSED RULE IS:

62-296.340 Best Available Retrofit Technology.

(1) Applicability. This rule applies to all BART-eligible sources as defined at 40 CFR 51.301, adopted and incorporated by reference at Rule 62-204.800, F.A.C. Failure of the Department to include a particular BART-eligible source on any list of BART-eligible sources it produces does not relieve the owner or operator of such source from responsibility to comply with the requirements of this rule.

(2) Definitions. For the purposes of this rule:

1. All definitions at 40 CFR 51.301 shall apply, including the definition of "Best Available Retrofit Technology (BART)" contained therein.

2. The term “CAIR Program” shall mean the requirements of 40 CFR 52.540 and 52.541, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or it shall have the meaning given at Rule 62-210.200, F.A.C., whichever is applicable.

3. The term “Class I area” shall mean any mandatory Class I federal area where visibility is an important value, as set forth at 40 CFR Part 81, Subpart D, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

(3) Requirements.

(a) Unless exempted under subsection 62-296.340(5), F.A.C., the owner or operator of a BART-eligible source shall install, operate, and maintain BART, as determined by the Department, for each emissions unit and each pollutant for which a BART determination is required.

1. The Department shall determine BART for all BART-eligible sources in accordance with the criteria of 40 CFR 51.308(e) and the procedures and guidelines contained in 40 CFR Part 51, Appendix Y, each adopted and incorporated by reference at Rule 62-204.800, F.A.C.

2. The pollutants for which a BART determination is required are those pollutants identified as visibility-impairing pollutants in 40 CFR Part 51, Appendix Y, excluding volatile organic compounds, ammonia, and ammonia compounds, except that:

a. A BART determination shall not be required for sulfur dioxide or for nitrogen oxides if the BART-eligible source has the potential to emit less than 40 tons per year of such pollutant(s), or for PM<sub>10</sub> if the BART-eligible source has the potential to emit less than 15 tons per year of such pollutant.

b. A BART determination shall not be required for sulfur dioxide or for nitrogen oxides for any electric generating unit at a BART-eligible source that is subject to the CAIR Program.

(b) The Department shall establish its BART determination(s) in an air construction permit.

1. The owner or operator of a BART-eligible source subject to the requirement for BART determination under paragraph 62-296.340(3)(a), F.A.C., shall perform a BART evaluation for each emissions unit comprising the BART-eligible source and for each pollutant for which a BART determination is required. The BART evaluation shall be performed in accordance with the criteria of 40 CFR 51.308(e) and the procedures and guidelines contained in 40 CFR Part 51, Appendix Y. The BART evaluation and proposed BART determination(s) shall be submitted to the Department in an application for an air construction permit not later than January 31, 2007.

2. The air construction permit issued by the Department shall require the owner or operator of the BART-eligible source to comply with BART as expeditiously as practicable, but not later than December 31, 2013. Such permit shall also require an operation and maintenance plan for any control equipment required by the BART determination.

3. Before taking final agency action on any air construction permit application to establish its BART determination(s), the Department shall comply with all applicable provisions of Rule 62-110.106, F.A.C., and provide an opportunity for public comment which shall include at a minimum the following:

a. Pursuant to Chapter 119, Florida Statutes, a complete file available for public inspection at its Tallahassee offices which includes the information submitted by the owner or operator, exclusive of confidential records under Section 403.111, Florida Statutes, and the Department’s preliminary BART determination(s);

b. A 30-day period for submittal of public comments; and

c. A notice, by advertisement in a newspaper of general circulation in the county affected, specifying the nature and location of the BART-eligible source and the location of the information specified in sub-subparagraph 62-296.340(3)(b)3.a., F.A.C., and notifying the public of the opportunity for submitting comments. The notice shall be prepared by the Department and published by the applicant in accordance with all applicable provisions of Rule 62-110.106, F.A.C., except that the applicant shall cause the notice to be published no later than thirty (30) days prior to final agency action.

(4) Optional Reasonable Progress Evaluation. An electric generating unit that is part of a BART-eligible source and also subject to the CAIR Program shall not be subject to further emissions reductions to meet Florida’s reasonable progress goal for 2018 for any Class I area pursuant to the requirements of 40 CFR 51.308(d)(1), provided that the owner or operator:

(a) Performs a unit-specific BART evaluation for sulfur dioxide and nitrogen oxides in accordance with the criteria of 40 CFR 51.308(e) and the procedures and guidelines contained in 40 CFR Part 51, Appendix Y, and submits such evaluation and proposed BART-equivalent emission limitations for sulfur dioxide and nitrogen oxides to the Department in an application for an air construction permit; and

(b) Accepts an air construction permit wherein the Department establishes BART-equivalent emission limitations for sulfur dioxide and nitrogen oxides for the unit.

(c) In establishing BART-equivalent emission limitations pursuant to this subsection, the Department shall use the criteria of 40 CFR 51.308(e) and the procedures and guidelines contained in 40 CFR Part 51, Appendix Y, each adopted and incorporated by reference at Rule 62-204.800, F.A.C.

(d) The air construction permit issued by the Department shall require the owner or operator of the unit to comply with the BART-equivalent emission limitations as expeditiously as practicable, but not later than December 31, 2013, if the permit is issued on or before December 31, 2008; or the earlier of December 31, 2017, or the date five years after permit issuance, if the permit is issued after December 31, 2008.

(e) Before taking final agency action on any air construction permit application to establish its BART-equivalent emission limitations, the Department shall provide opportunity for public comment in accordance with the provisions of subparagraph 62-296.340(3)(b)3., F.A.C.

(f) BART-equivalent emission limitations for sulfur dioxide and nitrogen oxides established pursuant to this subsection are separate and distinct from the BART requirements of subsection 62-296.340(3), F.A.C. Noncompliance with a BART-equivalent emission limitation established pursuant to this subsection shall not constitute noncompliance with BART.

(5) Exemptions.

(a) A BART-eligible source may demonstrate that it is exempt from the requirement for BART determination for all pollutants by documenting that:

1. The sum of its potential emissions of sulfur dioxide, nitrogen oxides, and particulate matter (expressed as equivalent tons of sulfur dioxide or nitrogen oxides in terms of its light extinction efficiency) is less than 500 tons per year and the source is located greater than 50 kilometers from all Class I areas; or

2. The sum of its potential emissions of sulfur dioxide, nitrogen oxides, and particulate matter (expressed as equivalent tons of sulfur dioxide or nitrogen oxides in terms of its light extinction efficiency) is less than 1,000 tons per year and the source is located greater than 100 kilometers from all Class I areas.

(b) A BART-eligible source comprising only electric generating units that are subject to the CAIR Program and other emissions units that emit no visibility-impairing pollutants other than particulate matter may demonstrate that it is exempt from the requirement for BART determination for all pollutants by documenting that:

1. Its potential emissions of particulate matter (expressed as equivalent tons of sulfur dioxide or nitrogen oxides in terms of its light extinction efficiency) are less than 500 tons per year and the source is located greater than 50 kilometers from all Class I areas; or

2. Its potential emissions of particulate matter (expressed as equivalent tons of sulfur dioxide or nitrogen oxides in terms of its light extinction efficiency) are less than 1,000 tons per year and the source is located greater than 100 kilometers from all Class I areas.

(c) If unable to claim exemption pursuant to paragraph 62-296.340(5)(a) or (b), F.A.C., a BART-eligible source may demonstrate that it is exempt from the requirement for BART determination for all pollutants by performing an individual source attribution analysis in accordance with the procedures contained in 40 CFR Part 51, Appendix Y. A BART-eligible source is exempt from BART determination requirements if its

contribution to visibility impairment, as determined below, does not exceed 0.5 deciviews above natural conditions in any Class I area.

1. For electric generating units subject to the CAIR Program, the source attribution analysis need only consider particulate matter emissions (including primary sulfate) for comparison with the contribution threshold.

2. For all other units, the source attribution analysis shall consider sulfur dioxide, nitrogen oxides, and particulate matter emissions collectively for comparison with the contribution threshold.

(d) If the owner or operator of a BART-eligible source requests exemption from the requirement for BART determination for all pollutants by submitting its source attribution analysis or other supporting documentation to the Department not later than January 31, 2007, and the Department ultimately grants such exemption, the requirement for submission of an air construction permit application pursuant to subparagraph 62-296.340(3)(b)1., F.A.C., shall not apply. If the Department denies such exemption, the owner or operator shall submit an application for air construction permit containing a BART evaluation and proposed BART determination(s) to the Department not later than January 31, 2007, or thirty (30) days after receipt of the Department's denial, whichever is later.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Sole

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 25, 2006

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

64B-1 Examinations

RULE NO.: RULE TITLE:

64B-1.016 Fees: Examination and Post-Examination Review

PURPOSE AND EFFECT: To update the rule.

SUMMARY: The Department is required to raise and lower exam fees for the various professions based upon the actual examination.

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: 456.004 FS.

LAW IMPLEMENTED: 456.004(10), 456.017(2) 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: Jennifer Hamilton, Division of MQA/Bureau of Operations/Testing Services, 4052 Bald Cypress Way, Bin #C-90, Tallahassee, Florida 32399-3290

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-1.016 Fees: Examination and Post-Examination Review.

(1)(a) The following fees shall be assessed by the department to cover administrative costs, actual per-applicant costs, and costs incurred to develop, purchase, validate, administer, and defend the following department developed, administered, or managed examinations:

Exam Fees		
Profession	Exam	Exam Fee
Chiropractic Medicine	Physical Diagnosis	<del>\$450.00</del> <del>\$705.00</del>
	Technique	<del>\$450.00</del> <del>\$120.00</del>
	X-Ray	<del>\$450.00</del> <del>\$145.00</del>
	Laws & Rules	<del>\$170.00</del> <del>\$70.00</del>
Dental	Clinical	<del>\$675.00</del> <del>\$320.00</del>
	Laws & Rules	<del>\$55.00</del> <del>\$75.00</del>
Dental Hygiene	Clinical	<del>\$470.00</del> <del>\$405.00</del>
	Laws & Rules	<del>\$30.00</del> <del>\$25.00</del>
Electrolysis	National	\$150.00
Hearing Aid Specialist	National	\$300.00
Massage	Colonic	<del>\$150.00</del> <del>\$375.00</del>
Nursing Home Administrator	Laws & Rules	<del>\$150.00</del> <del>\$300.00</del>
	National	\$20.00
Opticianry	Clinical	<del>\$580.00</del> <del>\$545.00</del>

	Neutralization	<del>\$170.00</del> <del>\$190.00</del>
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Exam Fees		
Profession	Exam	Exam Fee
Optometry	Clinical	<del>\$900.00</del> <del>\$1,100.00</del>
	Pharmacology	<del>\$550.00</del> <del>\$245.00</del>
	Laws & Rules	<del>\$25.00</del> <del>\$80.00</del>
Osteopathic Medicine	National	\$2,750.00
	Laws & Rules	\$20.00
Physical Therapy	National	\$5.00
	Laws & Rules	\$20.00
Physical Therapist Assistant	National	\$5.00
	Laws & Rules	<del>\$75.00</del> <del>\$200.00</del>
Psychology	National	\$20.00

(b) For those examinations administered by the computer based testing vendor, the candidate will be assessed a fee by the vendor.

(2) No change.

Specific Authority 456.004 FS. Law Implemented 456.004(10), 456.017(2) FS. History--New 3-14-02, Amended 7-20-03, 7-12-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jennifer Hamilton

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2006

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-11.001

RULE TITLE: Advertising

PURPOSE AND EFFECT: The proposed rule amendment is intended to address recent legislation requiring appropriate notification to patients with regard to licensure status.

SUMMARY: The proposed rule amendment prohibits the dissemination of advertisements which fail to properly identify a licensee's licensure status.

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: 458.309 FS.

LAW IMPLEMENTED: 456.072(1)(t), 458.331(1)(d), (n), (o), 458.3312, 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 McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-11.001 Advertising.

(1) through (6) No change.

(7) No person licensed pursuant to Chapter 458, F.S., shall disseminate or cause the dissemination of any advertisement or advertising that contains the licensee's name without clearly identifying the licensee as either a medical doctor (M.D.), physician assistant (P.A.), or anesthesiologist assistant (A.A.).

(8)(7) No change.

Specific Authority 458.309 FS. Law Implemented 456.072(1)(t), 458.331(1)(d), (l), (n), (o), 458.3312 FS. History--New 3-31-80, Formerly 21M-24.01, Amended 11-15-88, Formerly 21M-24.001, Amended 12-5-93, Formerly 61F6-24.001, Amended 4-3-95, 4-16-96, 5-29-97, Formerly 59R-11.001, Amended 1-31-01, 9-1-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2006

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-9.007 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The purpose and effect of this rule development is to incorporate amendments to the new application.

SUMMARY: The proposed rule amendment incorporates amendments to the new application.

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: 120.53, 459.005 FS.

LAW IMPLEMENTED: 459.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-9.007 Forms and Instructions.

The following constitutes a list of forms and instructions used by the Department and Board in their dealings with the public:

(1) DH-MQA 1029 – 1/04, entitled “Board of Osteopathic Medicine Application for Licensure (9/06) Application for licensure for osteopathic physician with instructions.

(2) through (3) No change.

Specific Authority 120.53, 459.005 FS. Law Implemented 459.022 FS. History--New 10-23-79, Formerly 21R-9.07, 21R-9.007, Amended 11-9-93, Formerly 61F9-9.007, 59W-9.007, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2006

**DEPARTMENT OF HEALTH**

**Board of Athletic Training**

RULE NOS.: 64B33-2.001, 64B33-2.003 RULE TITLES: Licensure Requirements, Requirements for Continuing Education

PURPOSE AND EFFECT: The proposed rule amendments are intended to set forth changes and clarification with regard to educational requirements for initial licensure as well as licensure renewal.

SUMMARY: The proposed rule amendments to Rule 64B33-2.001, F.A.C., set forth curriculum requirements for initial licensure of athletic trainers. In addition, Rule 64B33-2.003, F.A.C., clarifies the requirement for continuing education for licensure renewal.

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: 456.013, 468.705, 468.707, 468.711(2), (3) FS.

LAW IMPLEMENTED: 456.013(7), 468.707, 468.711(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Susan Foster, Executive Director, Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B33-2.001 Licensure Requirements.

All candidates for licensure shall pay the application fee and shall submit a completed DOH form DOH-AT-001 entitled "STATE OF FLORIDA EXAMINATION APPLICATION FOR LICENSURE AS AN ATHLETIC TRAINER" incorporated herein by reference and effective 1/19/96, to the Department. The application can be obtained by writing the Department of Health, Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

(1) Each applicant for licensure shall meet the following requirements:

(a) The applicant shall submit proof of successful completion of an approved athletic training curriculum ~~The applicant shall submit transcripts indicating completed coursework in the following areas with a minimum of the hours specified in each area:~~

- ~~1. 3 semester hours or 4 quarter hours of health;~~
- ~~2. 3 semester hours or 4 quarter hours of human anatomy;~~
- ~~3. 3 semester hours or 4 quarter hours of kinesiology/biomechanics;~~
- ~~4. 3 semester hours or 4 quarter hours of human physiology;~~
- ~~5. 3 semester hours or 4 quarter hours of physiology of exercise;~~

~~6. 2 semester hours or 4 quarter hours of basic athletic training; and~~

~~7. 3 semester hours or 4 quarter hours of advanced athletic training. Coursework covering evaluation of injuries and therapeutic modalities shall meet this requirement.~~

(b) The applicant shall submit proof of passing the ~~National Athletic Trainers Association~~ Board of Certification Entry Level Certification examination, which is hereby approved by the Board.

~~(c)(2) The applicant shall submit proof of~~ For all applicants, current certification in standard first aid training and cardiovascular pulmonary resuscitation from the American Heart Association, shall be accepted as an equivalent to certification from the American Red Cross, or an entity approved by the Board as equivalent.

~~(2)(3) All Effective July 1, 2001,~~ all applicants for initial license or renewal of initial license shall submit to the Board proof of completion of a two (2) hour continuing education course relating to the prevention of medical errors. The 2-hour course shall count toward the total number of continuing education hours required for license renewal. The course must be approved by the Board and shall include a study of root-cause analysis, error reduction and prevention, and patient safety. The address of the Board of Athletic Training is 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

Specific Authority 456.013(7), (9), 468.705, 468.707 FS. Law Implemented 456.013(7), 468.707 FS. History—New 5-29-96, Formerly 61-25.002, 64B30-25.002, Amended 8-22-00, 5-9-02,

64B33-2.003 Requirements for Continuing Education.

(1) In the 24 months preceding each biennial renewal period, every athletic trainer licensed pursuant to Chapter 468, Part XIII, Florida Statutes, shall be required to complete 24 hours of continuing education in courses approved by the Board. However, athletic trainers who receive an initial license during the second half of the biennium shall ~~only~~ be required to complete only 12 hours of continuing education in courses approved by the Board prior to renewal. The continuing education requirement includes current certification in cardiovascular pulmonary resuscitation from the American Red Cross, the American Heart Association, or an entity approved by the Board as equivalent ~~for all athletic trainers shall include 4 hours of cardiopulmonary resuscitation (CPR) and first aid training, regardless of whether they are required to complete 24 hours or 12 hours of continuing education.~~ Athletic trainers who receive an initial license during the 90 days preceding a renewal period shall not be required to complete any continuing education for that renewal period.

(2) through (3) No change.

(4) The following continuing education is approved by the Board:

(a) Courses, professional development activities, and publication activities approved by the ~~National Athletic Trainers' Association~~ Board of Certification (NATABOC) in NATABOC Category A or B;

(b) Courses approved by ~~The~~ the Athletic Trainers' Association of Florida in NATABOC Category A or B;

(c) Post-certification courses sponsored by a college or university approved by the United States Department of Education which provides a curriculum for athletic trainers in NATABOC Category C; and

~~(d) Cardiopulmonary resuscitation certification courses in NATABOC Category D.~~

(5) Category A (home study) courses approved by the NATABOC will be acceptable for no more than 10 of the required continuing education hours. The remaining 14 hours require actual attendance and participation. For those licensees who are initially licensed during the second year of the biennial period, only 5 of the required continuing education hours may consist of home study courses. The remaining 7 hours require actual attendance and participation.

(6) No change.

Specific Authority 456.013, 468.705, 468.711(2), (3) FS. Law Implemented 468.711(2) FS. History—New 8-4-98, Formerly 64B30-25.0031, Amended 8-22-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Athletic Training  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Athletic Training  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2006

**DEPARTMENT OF HEALTH**

**Board of Athletic Training**

RULE NO.: 64B33-5.001  
RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The proposed rule amendment is intended to add the penalty of revocation for a part of the range in penalty for a first offense of Section 456.072(1)(u), Florida Statutes.

SUMMARY: The proposed rule amendment adds revocation of licensure as a possible first time penalty for the violation of Section 456.072(1)(u), Florida Statutes.

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: 456.072, 468.705, 468.719 FS.

LAW IMPLEMENTED: 456.072, 456.079, 468.719 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: Susan Foster, Executive Director, Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B33-5.001 Disciplinary Guidelines.

(1) through (4) No change.

(5)When the Board finds an applicant or licensee whom it regulates under Chapter 468, Part XIII, F.S., has violated Section 456.072, F.S., by violating any of the following provisions, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

**VIOLATIONS**

(a) through (i) No change.  
(j) Engaging or attempting to engage a patient or client in verbal or physical sexual activity. For the purposes of this section, a patient or client shall be presumed to be incapable of giving free, full, and informed consent to verbal or sexual activity.  
(456.072(1)(u), F.S.)  
(k) No change.

**First Offense**

From reprimand to ~~suspension~~ revocation of the license, and an administrative fine ranging from \$1,000.00 to \$4,000.00, or refusal to certify an application for licensure.

**RECOMMENDED PENALTIES**

**Second Offense**

From probation to revocation of the license, and an administrative fine ranging from \$4,000.00 to \$7,000.00, or refusal to certify an application for licensure.

**Third Offense**

From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.

Specific Authority 456.072, 468.705, 468.719 FS. Law Implemented 456.072, 456.079, 468.719 FS. History–New 10-22-02, Amended

**NAME OF PERSON ORIGINATING PROPOSED RULE:**

Board of Athletic Training

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Board of Athletic Training

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** November 9, 2006

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** September 29, 2006

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
64E-2.008	Emergency Medical Technician
64E-2.009	Paramedic
64E-2.0094	Voluntary Inactive Certification

**PURPOSE AND EFFECT:** Emergency Medical Technician/Paramedic recertification application has been revised to facilitate online renewals. Currently, there are approximately 50,000 certified Emergency Medical Technicians and Paramedics (please note: some may have dual certifications). They are required to renew their certifications on a biennial basis. Online renewals will streamline the renewal process and allow these individuals to obtain their renewal in a more efficient manner.

**SUMMARY:** Online renewal/recertification will be utilized to further the state's paperless objectives as well as make the renewal process more simple and more quickly accessible to emergency medical technicians and paramedics. All other healthcare professions already have this capability. Online process will allow licensees to print a temporary license to show they've renewed which will enable them to work until the license prints, is mailed, and reaches the licensee.

**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:** 381.0011, 381.0034, 381.0035, 401.23, 401.27, 401.35 FS.

**LAW IMPLEMENTED:** 381.001, 401.23, 401.27, 401.34, 401.41, 401.35, 401.411, 401.414 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 2 days before the workshop/meeting by contacting: 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:** Lisa M. Walker, Government Analyst II, Bureau of Emergency Medical Services, (850)245-4440 ext. 2733 or Lisa\_Walker2@doh.state.fl.us

**THE FULL TEXT OF THE PROPOSED RULES IS:**

64E-2.008 Emergency Medical Technician.

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

(2) Renewal Certification – To be eligible for renewal certification as an EMT an individual shall submit DH Form 622, October 06 April 05, EMT/Paramedic Renewal Certification Application, which is incorporated by reference and available from the department or apply for renewal online at [www.flhealthsource.com](http://www.flhealthsource.com); and within 2 years prior to the expiration date of his or her EMT certification complete one of the following:

Specific Authority 381.0011, 381.0034, 381.0035, 401.23, 401.27, 401.35 FS. Law Implemented 381.001, 401.23, 401.27, 401.34, 401.41, 401.35, 401.411, 401.414 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.56, Amended 11-2-86, 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97. Formerly 10D-66.056, Amended 8-4-98, 1-3-99, 9-3-00, 4-15-01, 6-3-02, 11-3-02, 10-24-05, 1-11-06,\_\_\_\_\_.

64E-2.009 Paramedic.

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

(2) Renewal Certification – To be eligible for renewal certification as a paramedic an individual shall submit DH Form 622, October 06 April 05, EMT/Paramedic Renewal Certification Application which is incorporated by reference in subsection 64E-2.008(2), F.A.C. or apply for renewal online at [www.flhealthsource.com](http://www.flhealthsource.com), and within 2 years prior to the expiration date of his or her paramedic certification complete one of the following:

Specific Authority 381.0011, 381.0034, 381.0035, 401.27, 401.35 FS. Law Implemented 381.001, 401.23, 401.27, 401.34, 401.35, 401.41, 401.411, 401.414 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.57, Amended 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97. Formerly 10D-66.057, Amended 8-4-98, 1-3-99, 9-3-00, 4-15-01, 6-3-02, 11-3-02, 10-24-05,\_\_\_\_\_.

64E-2.0094 Voluntary Inactive Certification.

An EMT or paramedic who is currently certified can place their certificate on inactive status by sending a written request to the department and paying a fee of \$50. Any EMT or paramedic whose certificate has been placed on inactive status shall not function as an EMT or paramedic until such time as he or she has completed the following requirements for reactivating the certificate:

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

(e) After completion of the above requirements, submit to the department:

1. DH Form 622, October 06 April 05, EMT/Paramedic Renewal Certification Application which is incorporated in subsection 64E-2.008(2), F.A.C., or apply for renewal online at www.flhealthsource.com.

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

(e) After completion of the above requirements, submit to the department:

1. DH Form 622, October 06 April 05, EMT/Paramedic Renewal Certification Application which is incorporated by reference in subsection 64E-2.008(2), F.A.C., or apply for renewal online at www.flhealthsource.com.

Specific Authority 401.27, 401.35 FS. Law Implemented 401.27, 401.34, 401.35 FS. History—New 8-4-98, Amended 1-3-99, 9-3-00, 4-21-02, 6-3-02, 11-3-02, 10-24-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lisa M. Walker, Government Analyst II, Bureau of Emergency Medical Services, (850)245-4440, ext. 2733 or Lisa\_Walker2@doh.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jennifer Bencie Fairburn, M.D., M.S.A., Director Division of Emergency Medical Operations  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2006

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program Office**

RULE NO.: 65E-5.180  
RULE TITLE: Right to Quality Treatment  
PURPOSE AND EFFECT: Rule 65E-5.180, Florida Administrative Code, is being revised to comply with amendments to Section 394.459(4)(b)3., F.S., of the Baker Act, requiring facilities develop a system for investigating and responding to certain complaints. The proposed amendments to Chapter 65E-5, Florida Administrative Code, will bring the rule into compliance with statutory requirements.

SUMMARY: In order to comply with the statutory amendment to Section 394.459(4)(b)3., F.S., requiring facilities develop a system for investigating and responding to certain complaints, the Department of Children and Families, Mental Health Program Office, is amending Rule 65E-5.180, Florida Administrative Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not requested nor prepared for this rule.

Any affected person who wishes to provide information regarding the statement of estimated regulatory costs must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 394.459(4)(b) FS.

LAW IMPLEMENTED: 394.459(4)(b)3. FS.

IF REQUESTED WITHIN 21 DAYS 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: Monday, December 18, 2006, 9:00 a.m.

PLACE: Building 6, Conference Room A, Winewood Office Complex, 1317 Winewood Blvd., Tallahassee, Florida

Persons with disabilities requiring accommodations in order to participate in this hearing should contact: Linda Henshaw, Department of Children and Families, Mental Health Program Office, 1317 Winewood Blvd., Building 6, Room 239, Tallahassee, Florida 32399-0700, (850)921-5724, (Voice) or (850)921-8880 (TDD), as soon as possible, but no later than five full working days prior to the hearing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ron Kizirian, Medical/Healthcare Program Analyst, Mental Health Program Office, 1317 Winewood Blvd., Building 6, Room 211, Tallahassee, Florida 32399-0700. Telephone: (850)413-0928

THE FULL TEXT OF THE PROPOSED RULE IS:

65E-5.180 Right to Quality Treatment.

The following standards shall be required in the provision of quality mental health treatment:

(1) through (5) No change.

(6) Each ~~designated receiving and treatment~~ facility shall develop a written policy and procedure for receiving the receipt, review, investigating, tracking, managing and responding to formal and informal investigation of oral or written complaints by a person receiving services or by an individual acting on his or her behalf about his or her care while hospitalized, which shall be documented in the person's clinical record.

(a) The complaint process shall be verbally explained during the orientation process and provided in writing in language and terminology that the person receiving services can understand. It will explain how individuals may address complaints informally through the facility staff and treatment team, and formally through the staff person assigned to handle formal complaints, as well as the administrator or designee of the facility. The person receiving services shall also be advised that he or she may contact the Local Advocacy Council, the Florida Abuse Registry, the Advocacy Center for Persons with Disabilities, or any other individual or agency at anytime during the complaint process to request assistance. The complaint process, including telephone numbers for the above named entities, shall be posted in plain view in common areas and next to telephones used by individuals receiving services. Any complaint may be verbal or written. Any staff person

receiving an informal or formal complaint dealing with life-safety issues will take immediate action to resolve the matter.

(b) Informal complaints are initial complaints that are usually made verbally by a person receiving services or by an individual acting on his or her behalf. If resolution cannot be mutually agreed upon, a formal written complaint may be initiated.

(c) When the person receiving services, or a person acting upon that person's behalf, makes a formal complaint a staff person not named in the complaint shall assist the person in initiating the complaint. The complaint shall include the date and time of the complaint and detail the issue and the remedy sought. All formal complaints shall be forwarded to the staff person, or designee, who is assigned to track and monitor formal complaints. All formal complaints shall be tracked and monitored for compliance and shall contain the following information:

1. The date and time the formal complaint was originally received by staff;
2. The date and time the formal complaint was received by the staff assigned to track formal complaints;
3. The nature of the complaint;
4. The name of the person receiving services;
5. The name of the person making the complaint;
6. The name of the individual assigned to investigate the complaint;
7. The date the individual making the complaint was notified of the individual assigned to investigate the complaint;
8. The due date for the written response; and
9. At closure, the written disposition of the formal complaint.

(d) The investigation shall be completed within 7 days from the date of entry into the system for tracking complaints.

(e) A written response must be given or mailed to the person receiving services within 24 hours of disposition. The individual acting on behalf of the person receiving services shall be notified of the completion of the investigation but will not be given specific details of the disposition unless they have a legal right to the information or a signed release of information is in place.

(f) The disposition of a complaint may be appealed to the administrator of the facility. If appealed, the facility administrator or designee shall review the written complaint and the initial disposition. Within five working days, the facility administrator or designee will make a final decision concerning the outcome of the complaint and will provide a written response within 24 hours to the person receiving services. A copy of the written response shall also be given to the staff member assigned to track complaints.

(7) through (13) No change.

Specific Authority 394.457(5), 394.459(4)(b) FS. Law Implemented 394, Part I, 394.459(2)(d), (4), (4)(b)3., 401.455 FS. History--New 11-29-98, Amended 4-4-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ron Kizirian

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Roderick L. Hall, Ph.D., Director, Mental Health Program Office

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 30, 2005

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Funeral, Cemetery, and Consumer Services**

RULE NOS.:	RULE TITLES:
69K-22.004	Operating Procedures
69K-22.007	Standard Uniform Procedures for Removal of Cremated Remains and Postcremation Procedures

PURPOSE AND EFFECT: Section 497.608(2), F.S., requires cinerator facilities to establish written procedures for the removal of cremated remains and to file such procedures with the Board. Section 497.608(2), F.S., also authorizes the Board to adopt by rule standard uniform procedures for the removal of cremated remains that can be used by a cinerator facility in lieu of establishing its own written procedures.

SUMMARY: The proposed amendment updates Rule 69K-22.004, F.A.C. Rule 69K-22.007, F.A.C., implements Section 497.608(2), F.S., by adopting a standard procedure for the removal of cremated remains that can be used by cinerator facilities in lieu of establishing their own procedures.

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: 497.103(1)(n), (5)(a), 497.606, 497.608 FS.

LAW IMPLEMENTED: 497.103(1)(n), 497.606, 497.607, 497.608 FS.

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

DATE AND TIME: December 21, 2006, 2:00 p.m.

PLACE: Alexander Building, 2020 Capital Circle, S.E., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Diana Evans, (850)413-3039. 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: Diana Evans, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle, S.E., Tallahassee, Florida 32399-0361, (850)413-3039

THE FULL TEXT OF THE PROPOSED RULES IS:

69K-22.004 Operating Procedures.

(1) Cinerator facility operators shall establish a system of identification of human remains received for cremation. This system shall be designed to track the identity of the remains from time of receipt until completion of the cremation and delivery of the cremated remains to the legally authorized persons, or until otherwise disposed of in accordance with instructions from the legally authorized person.

(2) No more than one dead human body shall be placed in a retort at one time unless written permission has been received from the legally ~~personal representative~~ (authorized person) responsible for each body.

(3) Upon completion of each cremation cycle, the cremated remains ~~residual of the cremation~~ shall be removed from the retort, pulverized and placed in a separate container.

(4) Human remains shall be cremated in the container or casket in which received unless written instructions to the contrary are received from the legally authorized person. Personal effects shall not be removed from the deceased without express written consent from the legally authorized person.

(5) All alternative containers used for cremation must meet the criteria set forth in Section 497.606(9)(h)(14), F.S. The receptacle or container may be an unfinished wooden box or other non-metal alternative container, which is designed for the encasement of human remains and which is made of cardboard, fiberboard, pressed wood, composition materials, or other enclosures which are all rigid enough for handling with ease and which completely enclose the human remains during the entire cremation process. ~~All facilities must maintain a complete list of all alternative containers used for cremation which must be available for inspection.~~

(6) Any part of the container chosen for cremation which has not been completely consumed in the cremation process shall be disposed of by completely burning, crushing, or otherwise lawfully disposing of ~~burying~~ the container.

(7) The ~~residual of~~ cremated remains and the separate container shall be disposed of according to the express written instruction of the legally authorized person. If no instructions are given, the ~~residual of~~ cremated remains shall be disposed of in a dignified and humane manner as authorized by law.

Specific Authority 497.103(1)(n), (5)(a), 497.606, 497.607 FS. Law Implemented 497.103(1)(n), 497.606, 497.607 FS. History--New 6-26-85, Amended 10-16-85, Formerly 21J-22.04, 21J-22.004, Amended 11-20-96, Formerly 61G8-22.004, Amended \_\_\_\_\_.

69K-22.007 Standard Uniform Procedures for Removal of Cremated Remains and Postcremation Procedures.

(1) A cinerator facility operator shall follow its written procedures for the removal of cremated remains and the postcremation processing, shipping, packing, or identification of those remains filed with and approved by the Board, or it may adopt the following standard uniform procedures. In either case, the cinerator facility operator shall notify the Board of its choice on Form DFS-N1-1770, Election of Procedures for Removal of Cremated Remains and Postcremation Processing, which form is incorporated by reference in Rule 69K-5.010, effective 10/06. Said form shall be mailed to, and can be obtained from, the Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361. A cinerator facility shall not be operated unless it has established and follows its specified written procedures approved by the Board.

(2) Removal of Cremated Remains Resulting from the Cremation of a Human Body.

(a) Allow the crematory to cool to a suitable temperature for recovery of the remains after the burners have been shut off (either manually or automatically).

(b) Place a clean metal tray, pan or container in position to receive the cremated remains.

(c) Move the cremation documents from their position near the door or control panel of the crematory to a position in close proximity to or attached to the recovery pan, where it shall remain in place until the cremation process is complete.

(d) Upon completion of the cremation, all cremated remains shall be removed from the cremation chamber and the chamber swept clean.

(e) Remove the metal identification tag from the chamber and place it on or in the recovery tray, pan or container.

(f) Check the removal brushes and tools for bone fragments. If any fragments have adhered to the tools, place them in the recovery pan with the rest of the cremated remains.

(g) Take the recovery pan, its contents and the cremation documents to an appropriate cool down area.

(3) Postcremation Processing.

(a) Remove the metal identification tag from the recovery tray and place it next to the processor along with any cremation documents.

(b) Remove all other metal from the cremated remains, using a magnet and/or forceps (for nonmagnetic metal). Separate all bone fragments and cremated remains from the nonhuman materials. Do not discard the metal until it is completely free of cremated remains. Refer to the cremation documents for the appropriate disposition of dental materials, mementos and jewelry, to the extent they can be recognized in the cremated remains.

(c) Place any other nonhuman materials, such as metal, prosthetics and any other materials retrieved from the crematory, in a specified container until they are packaged for nonrecoverable disposal.

(d) The cremated remains must be processed or pulverized until they are granulated particles.

(4) Packaging of Cremated Remains.

(a) Pour the cremated remains into a heavy plastic bag and place in a temporary container or urn.

(b) If the urn or container is too small to accept all the cremated remains, use a larger container or provide a second container. When there is more than one container, the additional container(s) must be securely fastened to the original container, must have identification labels placed on each urn or container, and must be marked as 1 of 2, 2 of 2, and so on.

(c) Secure or affix the metal identification tag to the bag. Verify the identification of the cremated remains one final time, by comparing the metal identification tag number and the name of the decedent to the information on any cremation documents. Close the urn or cremated remains container.

(d) Store the cremated remains in a secure area until such time as they are released. Document in a log at least the name of the deceased, the date the cremated remains were placed into storage, the date they were removed, and by whom.

(e) If the cremated remains are to be shipped, place the urn or container in a shipping box and securely tape all box seams to increase the security and integrity of the container. The outside of the shipping box shall be clearly identified with the name of the deceased person whose processed remains are contained therein. Ship the box via registered mail, return receipt requested, or by any other lawful and traceable shipment method.

(5) Releasing Cremated Remains.

(a) Verify the identity of the cremated remains by comparing the identification label to the cremation documents and the crematory log.

(b) Release the cremated remains to a representative of the funeral or direct disposal establishment. Obtain a signed receipt for the cremated remains and file the receipt with the cremation documents.

(c) If the cremated remains have not been claimed after 120 days, the funeral or direct disposal establishment may dispose of the remains in any manner specified in Section 497.607, Florida Statutes.

Specific Authority 497.103(1)(n), (5)(a), 497.608 FS. Law Implemented 497.103(1)(n), 497.607, 497.608 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Funeral, Cemetery, and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 24, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2006

## FINANCIAL SERVICES COMMISSION

### OIR – Insurance Regulation

RULE NO.: 690-186.017                      RULE TITLE: Certificate of Mortgage Release

PURPOSE AND EFFECT: Section 701.041(9), Florida Statutes, requires the Financial Services Commission to "adopt rules establishing an actuarially sound premium charge to be made for each certificate of release recorded pursuant to this section." This proposed rule specifies the rates to be charged for certificates of mortgage release that are recorded in Florida, pursuant to Section 701.041, Florida Statutes.

SUMMARY: Section 701.041(9), Florida Statutes, requires the Financial Services Commission to "adopt rules establishing an actuarially sound premium charge to be made for each certificate of release recorded pursuant to this section." This proposed rule specifies the rates to be charged for certificates of mortgage release that are recorded in Florida, pursuant to Section 701.041, Florida Statutes.

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: 701.041(9) FS.

LAW IMPLEMENTED: 701.041(9) FS.

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

DATE AND TIME: December 28, 2006, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the person listed above. 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: Peggy Cheng, Property and Casualty Product Review, Office of Insurance Regulation, E-mail: Peggy.Cheng@fldfs.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-186.017 Certificate of Mortgage Release.

There is no actuarially sound premium that may be charged for recording a certificate of mortgage release pursuant to Section 701.041, Florida Statutes. However, a reasonable fee for actual work performed during the recording of the certificate of mortgage release, not to exceed twenty-five dollars, may be charged by title insurers in this state, as a related title insurance service charge.

Specific Authority 701.041(9) FS. Law Implemented 701.041(9) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Koon, Director, Property and Casualty Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Streukens, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 26, 2006

**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."

**STATE BOARD OF ADMINISTRATION**

RULE NO.: 19-15.001  
RULE TITLE: Insurance Capital Build-Up Incentive Program

**INCORPORATED FORM TO BE CHANGED**

NOTICE IS HEREBY GIVEN by the State Board of Administration of Florida that paragraph (8)(e) of Rule 19-15.001, F.A.C., has been removed and language has been added to the acknowledgement by the notary to indicate whether the document is signed by one personally known to the notary or who presented identification.

Paragraph (8)(e) which read as follows has been stricken:

~~(e) A late fee in the amount of 5% of the invoiced amount may be charged if a payment is received five calendar days after the due date except such fee will not be charged if it results from a delay beyond the control of the insurer arising from the Office's disapproval of the payments or delay in issuing approval of the payment of interest or principal.~~

Incorporated Form: Insurance Capital Build-Up Incentive Program Surplus Note, Form SBA 15-2. The insurer is required to provide its NAIC number on page 1. Under the Terms and Conditions section, the following changes have been made: subparagraph (e) in paragraph (4), which addresses late fees, has been removed.

**DEPARTMENT OF CITRUS**

RULE CHAPTER NO.: 20-7  
RULE CHAPTER TITLE: Dues Collection on Behalf of Certain Not-for-profit Corporations

RULE NOS.:  
20-7.002 Request Procedure and Conditions  
20-7.003 Commission Consideration of Properly Submitted Requests  
20-7.004 Licensed Citrus Fruit Dealer Collection and Remittance Responsibilities  
20-7.005 Fees and Other Related Costs

**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. 44, November 3, 2006 issue of the Florida Administrative Weekly.

- 20-7.001 No change.
- 20-7.002 Request Procedure and Conditions.
  - (1) No change.
  - (a) through (i) No change.