

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE NO.: RULE TITLE:
6D-4.002 President

PURPOSE AND EFFECT: This rule establishes qualifications and responsibilities of the President of the Florida School for the Deaf and the Blind as its Chief Executive Officer.

SUBJECT AREA TO BE ADDRESSED: Substantive changes to this rule to create, in one rule, instead of several, organization and responsibilities for administrators and other personnel at the Florida School for the Deaf and the Blind.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(e) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE NO.: RULE TITLE:
6D-4.003 Business Manager

PURPOSE AND EFFECT: This rule establishes qualifications and responsibilities of the Business Manager of the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Substantive changes to this rule to create, in one rule, instead of several, organization and responsibilities for administrators and other personnel at the Florida School for the Deaf and the Blind.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(e) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE NO.: RULE TITLE:
6D-5.003 Other Personnel

PURPOSE AND EFFECT: This rule establishes duties and responsibilities of other members of the staff at the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Substantive changes to this rule to create, in one rule, instead of several, organization and responsibilities for administrators and other personnel at the Florida School for the Deaf and the Blind.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(e) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE NO.: RULE TITLE:
6D-7.006 Pupil Progression Plan and Requirements for Graduation

PURPOSE AND EFFECT: This rule establishes the Board of Trustees' approval of the revised Pupil Progression Plan and Requirements for Graduation for students at the Florida School for the Deaf and the Blind in compliance with State Board of Education Rules and Section 1003.49, F.S.

SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Pupil Progression Plan and Requirements for Graduation.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4), 1003.49 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Saturday, August 19, 2006, 9:00 a.m.

PLACE: Center for Leadership Training, Moore Hall, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE NO.: 6D-14.002 RULE TITLE: Transportation Policies and Procedures

PURPOSE AND EFFECT: The purpose of this Rule is to establish written Polices and Procedures that will be followed by the Transportation Department of the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Policies and Procedures Manual of the Transportation Department of the Florida School for the Deaf and the Blind.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Saturday, August 19, 2006, 9:00 a.m.

PLACE: Center for Leadership Training, Moore Hall, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, Florida 32084-2799

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE NO.: 6D-16.002 RULE TITLE: Human Resource Management and Development

PURPOSE AND EFFECT: This rule establishes the guidelines for the Human Resource Management and Development Department of the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Human Resource Management and Development Manual.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36 (4), 1002.36(4)(f)5. FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Saturday, August 19, 2006. 9:00 a.m.

PLACE: Leadership Training Building, Moore Hall, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, Florida 32084-2799

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER NO.: 9B-60 RULE CHAPTER TITLE: Florida Building Energy Rating System

RULE NOS.: 9B-60.002 RULE TITLES: Definitions
9B-60.003 Department Activities
9B-60.004 Florida Building Energy Rating System, Adopted
9B-60.005 Training and Certification Program
9B-60.008 Guidelines for Uniformity, Adopted

PURPOSE AND EFFECT: Section 553.992, F.S., requires the Department of Community Affairs (the Department) to update the Building Energy-Efficiency Rating System in accordance with the procedures of Chapter 120, F.S. Section 553.995(2), F.S., requires the BERS program to be compatible with standard federal rating systems and state building codes and standards, where applicable. The proposed rule changes coincide with changes made to the national standard governing home energy rating systems. Updating to this standard allows Florida to maintain its accreditation with the National Association of State Energy Officials (NASEO), which has positioned itself to provide certifications for builders wishing to claim federal tax credits from the Internal Revenue Service.

Although the effect of upgrading to a new computer program initially causes a divergence between the BERS program and Florida's energy code, both the energy code and the BERS rating reports provide information required by Section 553.902, F.S., levels of insulation, the amount and type of glass, and the HVAC and water heating system efficiencies. Efforts to ameliorate this divergence in compliance tools include a translation program to take code compliance files and transfer the information to the BERS program, and a proposal

to upgrade the energy code to the EnergyGauge USA program during the 2007 code update cycle. The EPL Display Card referenced in Section 553.9085, F.S., currently utilizes an Estimated Energy Performance Score, which mimics the current Class 3 BERS rating. This "score" will be maintained until the code is changed.

The revised standard proposed as a change to Rule 9B-60.008, F.A.C., the 2006 Mortgage Industry National Home Energy Rating Systems Standards (HERS), amended November 7, 2005, requires the following additional changes to the program. These changes are reflected in the proposed revisions to Chapter 9B-60, F.A.C.:

1. The HERS Score is changed to a HERS Index with the Reference Standard for a home becoming a ratio when compared to the Design home.
2. The ratings will no longer be based on the Florida energy code because the computer program used to calculate energy code compliance is not capable of meeting the new National HERS Standards. Rather, the program will utilize the EnergyGauge USA program, which meets the new Standards.
3. Class 1 raters will be required by the Standards to pass the RESNET National Core Exam. Recertification of raters will no longer require peer review and reevaluation.
4. Reporting of ratings will be via website upload.

SUBJECT AREA TO BE ADDRESSED: Adopts the 2006 Mortgage Industry National Home Energy Rating Systems Accreditation Standards, amended November 7, 2005, promulgated by the Residential Energy Services Network (RESNET) and the National Association of State Energy Officials, and amends applicable portions of the rule to reflect this change. Changes name of Home Energy Rating System "HERS Score" to "HERS Index" and amends definition of HERS Index to make it consistent with the 2006 Mortgage Industry National Home Energy Rating Systems Standards. Provides that the HERS Index will be determined using the software system called EnergyGauge® USA, version 2.5. Amends certification requirements for Raters to include achievement of a passing score on the RESNET National Core Exam.

SPECIFIC AUTHORITY: 553.992, 553.994, 553.998 FS.

LAW IMPLEMENTED: 553.992, 553.995, 553.995(1)(c), (4), 553.996 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS WORKSHOP WILL NOT BE HELD):

DATE AND TIME: August 11, 2006, 10:00 a.m. – 12:00 Noon

PLACE: Randall Kelley Training Room, Third Floor, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodations at the workshop because of a disability or physical impairment should contact: Ila Jones, Community Program Administrator, Department of

Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, 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 RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ann Stanton, Building Codes Analyst, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-0964, SunCom 278-0964

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF REVENUE

RULE NO.:

12-13.0076

RULE TITLE:

Calculation of Penalty Subject to
Compromise for Reasonable Cause

PURPOSE AND EFFECT: The purpose of the rule development is to create Rule 12-13.0076, F.A.C. (Calculation of Penalty Subject to Compromise for Reasonable Cause), to incorporate the provisions of the Expert System for Determining Reasonable Cause for Penalty Compromise. This system is currently under development by the Department for purposes of providing guidelines for determining the amount of compromise of penalty. The effect of the proposed amendments, when adopted, will be that the provisions of the Expert System for Determining Reasonable Cause for Penalty Compromise will be incorporated into the guidelines for determining the amount of compromise of penalty established in this administrative rule.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the development of proposed Rule 12-13.0076, F.A.C., for purposes of including the provisions of the Expert System for Determining Reasonable Cause for Penalty Compromise currently under development by the Department.

SPECIFIC AUTHORITY: 213.06(1), 213.21(5) FS.

LAW IMPLEMENTED: 213.21(3) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 9, 2006, 10:00 a.m.

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robert Babin, Senior Attorney, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4842, or e-mail (babinr@dor.state.fl.us).

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance

and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12-13.0076 Calculation of Penalty Subject to Compromise for Reasonable Cause.

(1) Scope and Definitions.

(a) Section 213.21, F.S., authorizes the Department to compromise a taxpayer's liability for penalty when the taxpayer's noncompliance is due to reasonable cause and not willful negligence, willful neglect, or fraud. In order to ensure consistency in the exercise of the authority to compromise penalty contained in Section 213.21, F.S., the Department will use the provisions of this rule to calculate the amount of penalty that will be compromised pursuant to Section 213.21, F.S. The Department will apply the provisions of this rule even when no request to compromise penalty is made by the taxpayer.

(b) The provisions of this rule do not apply when the taxpayer's noncompliance is due to willful negligence, willful neglect, or fraud, nor do the provisions of this rule apply when the assessment or compromise of penalty is mandated by Florida law. The provisions of this rule only apply when the department exercises its discretionary authority to compromise penalties on the grounds of reasonable cause.

(c) The provisions of this rule are not to be construed to prohibit the Executive Director, a Deputy Executive Director, the General Counsel, the Deputy General Counsel, the Program Director of the General Tax Administration, the Deputy Program Director of the General Tax Administration, the designees of the Director or Deputy Program Director of the General Tax Administration, or the Director of Technical Assistance and Dispute Resolution from exercising his or her delegated compromise authority to prevent an unreasonable result due to the specific facts and circumstances that would affect the relative value of the factors under consideration.

(d) For the purposes of this rule, the term "issue" means a reason set forth in the Department's work papers given to the taxpayer for any finding of a tax deficiency. A taxpayer's total tax liability for an audit assessment or billing may result from one or more issues. For example, a sales tax audit may involve audit changes for "disallowed exempt sales" and "fixed asset purchases." In this example, "disallowed exempt sales" and "fixed asset purchases" are separate and distinct issues.

(2) Determination of the Amount of Penalty Compromise.

(a) If the Department determines that a taxpayer's noncompliance is not due to willful negligence, willful neglect, or fraud, the Department shall compromise all penalty in

excess of 25 percent of the taxpayer's tax liability. The Department shall determine the amount of compromise authority to exercise with regard to the remaining 25 percent of penalty by using the Penalty Scoring Matrix provided in subsection (3). The Penalty Scoring Matrix and the provisions of this rule will be applied to each issue to result in a percentage, which will be applied to the penalty amount related to that issue. If all issues under consideration involve the same responses to the Penalty Scoring Matrix, the Penalty Scoring Matrix and other provisions of this rule will only be applied once, and the resulting penalty percentage will be applied for all issues.

(b) The penalty percentage is calculated based upon the response to each question listed within the Penalty Scoring Matrix. Point values are assigned to the questions based upon whether the question is answered "yes" or "no."

(c) Questions 3(a) through 3(i) of the Penalty Scoring Matrix each list various facts and circumstances, which will be considered in answering those questions. If one or more of the facts and circumstances listed under each question are determined by the Department to apply to the issue(s), an affirmative response will be entered for that question and a corresponding point value will be assigned. When the facts and circumstances listed do not apply to the issue(s), a negative response will be entered and the corresponding point value will be assigned.

(d) When the Department determines that facts and circumstances exist that require an affirmative answer to any Question 3(a) through 3(i) but the specific fact or circumstance is not listed, the Department will identify that fact or circumstance and provide an affirmative answer to the relevant question.

(e) The percentage to be applied to the penalty amount under consideration is controlled by the following schedule:

1. If the sum of the point values assigned is not greater than 7 points, the Department will compromise all penalty that is subject to compromise on the grounds of reasonable cause.

2. If the sum of the point values assigned is greater than 7 points but not greater than 14 points, the Department will compromise all penalty in excess of 5 percent.

3. If the sum of the point values assigned is greater than 14 points but not greater than 22 points, the Department will compromise all penalty in excess of 10 percent.

4. If the sum of the point values assigned is greater than 22 points but not greater than 29 points, the Department will compromise all penalty in excess of 15 percent.

5. If the sum of the point values assigned is greater than 29 points but not greater than 36 points, the Department will compromise all penalty in excess of 20 percent.

6. If the sum of the point values assigned is greater than 36 points, the Department will only compromise penalty in excess of 25 percent pursuant to paragraph (2)(a) of this rule.

(f) If the application of this rule results in a full compromise of all penalty subject to compromise on the grounds of reasonable cause, the Department is not required to provide the taxpayer with the results of the Penalty Scoring Matrix. However, the Department shall provide the results of the Penalty Scoring Matrix when the application of this rule

results in less than a full compromise of penalty subject to compromise on the grounds of reasonable cause, or when the results are requested by the taxpayer.

(3) Penalty Scoring Matrix.

Step	Decision Question	YES/NO	Pts. For YES	Pts. For NO
1.	Has the Department previously assessed this issue against the taxpayer in an assessment for which the taxpayer's appeal rights have expired or has this issue been ultimately adjudicated against the taxpayer?		20	0
1.a.	Has the Department issued at least two such assessments?		10	0
1.b.	Has the Department issued at least three such assessments?		15	0
1.c.	Did the taxpayer take action that would correct this issue in a reasonable time after the taxpayer's appeal rights expired or the issue was ultimately adjudicated against the taxpayer?		-10	0
2.	For this issue, did the taxpayer collect but fail to remit tax to the Department?		30	0
3.	Do one or more of the following apply to this issue in this audit?			
3.a.	Did the taxpayer reasonably rely on and follow the express terms of written advice issued by the DOR after the DOR was apprised of all relevant facts, and is it now possible to verify such advice?		-5	0
a.1.	Yes. The taxpayer was issued written advice unassociated with an audit.			
a.2.	Yes. The taxpayer was issued advice on this issue during conduct of a prior audit. Explain:			
a.3.	Yes. Other. Explain:			
a.4.	No.			
3.b.	Did the assessment result from the taxpayer's limited knowledge of business, limited education, or limited experience in Florida tax matters?		-2.5	0
b.1.	Yes. The taxpayer has a limited knowledge of business.			
b.2.	Yes. The taxpayer has limited education.			
b.3.	Yes. The taxpayer has limited experience in Florida tax matters.			
b.4.	Yes. Other. Explain:			
b.5.	No.			
3.c.	Did the taxpayer timely meet filing requirements?		-2.5	5
c.1.	Yes. The taxpayer timely filed complete returns.			
c.2.	Yes. Other. Explain:			
c.3.	No.			
3.d.	Were there any changes in law or the DOR's administration of law that directly affected compliance for this issue?		-5	0

d.1.	<u>Yes. The applicable law changed. Explain:</u>		
d.2.	<u>Yes. DOR's administration of the applicable law changed. Explain:</u>		
d.3.	<u>Yes. Other. Explain:</u>		
d.4.	<u>No.</u>		
3.e.	<u>Are the tax issues, their application, or the taxpayer's operational or financial situation complex?</u>	-2.5	0
e.1.	<u>Yes. The situation is complex. Explain:</u>		
e.2.	<u>Yes. There is contradictory written information provided by the attorney general's office, the DOR, or a Florida court. Explain:</u>		
e.3.	<u>Yes. Other. Explain:</u>		
e.4.	<u>No.</u>		
3.f.	<u>Has the taxpayer instituted remedies to correct this issue?</u>	-5	0
f.1.	<u>Yes, and the taxpayer provided supporting documentation showing that the error has been corrected.</u>		
f.2.	<u>Yes. Other. Explain:</u>		
f.3.	<u>No.</u>		
3.g.	<u>Did the taxpayer reasonably rely on written advice of a person competent in Florida tax matters, and did the taxpayer solicit the advice timely and with full disclosure of all relevant facts?</u>	-2.5	0
g.1.	<u>Yes. The taxpayer relied upon verifiable advice from a C.P.A., attorney, or trade association.</u>		
g.2.	<u>Yes. The taxpayer relied upon verifiable advice from an outside consultant or outside bookkeeping service.</u>		
g.3.	<u>Yes. Other. Explain:</u>		
g.4.	<u>No.</u>		
3.h.	<u>Is the additional tax due less than 5% of the total tax reported/remitted during the audit period?-</u>	-2.5	0
3.i.	<u>Did any extenuating or uncontrollable circumstances exist that prevented the taxpayer from complying?</u>	-10	0
i.1.	<u>Yes. There was a disaster or catastrophic events beyond the control of the taxpayer.</u>		
i.2.	<u>Yes. There was a death, illness or incapacity of the taxpayer, the taxpayer's immediate family, or a key employee which had an effect on compliance.</u>		
i.3.	<u>Yes. There were other facts that affected compliance. Explain:</u>		
i.4.	<u>No.</u>		

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.21(3) FS. History--New _____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-57
 RULE CHAPTER TITLE: Railroad Safety and Clearance Standards, and Public Railroad-Highway Grade Crossings

RULE NO.: 14-57.012
 RULE TITLE: Standards for Opening and Closing of Railroad-Highway Grade Crossings – Opening and Closure

PURPOSE AND EFFECT: The rule is being amended to add consideration of closing one or more public highway-rail grade crossings to offset opening a new crossing.

SUBJECT AREA TO BE ADDRESSED: Rule subsection 14-57.012(2), F.A.C., is being amended to add consideration of closing one or more public highway-rail grade crossings to offset opening a new crossing.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 335.141 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-57.012 Standards for Opening and Closing of Railroad-Highway Grade Crossings – Opening and Closure.

(1) No change.

(2) Opening and Closing Public Railroad-Highway Grade Crossings. The Department will accept applications for the opening and closing of public railroad-highway grade crossings from the governmental entity that has jurisdiction over the public street or highway; any railroad operating trains through the crossing; any other applicant for a public railroad-highway grade crossing provided there is in existence an agreement between the applicant and governmental entity to assume jurisdiction as a public crossing. The Department, on behalf of the State of Florida, will also open or close public railroad-highway grade crossings in accordance with the criteria set forth herein. Closure applications will also be accepted from individual citizens or groups, such as neighborhood associations. Opening or closure of public railroad-highway grade crossings shall be based upon Notices of Intent issued by the Department, administrative hearings conducted pursuant to Chapter 120, Florida Statutes, or upon a Stipulation of Parties executed by any applicant, governmental entity, the appropriate railroad, and the Department. The

burden of proof for the opening or closing of a crossing is on the applicant. Acceptance of any application for processing by the Department shall not be construed as indicating the Department’s position regarding the application. If the preliminary review of the application does not support the crossing opening or closure, the applicant will be advised of these findings. The applicant may choose to withdraw the application or continue the process. If withdrawn, the process is concluded. An applicant may suspend an application at any time. If the applicant chooses to pursue the opening or closure of the public railroad-highway crossing, the railroad and governmental entity having jurisdiction at the location are notified and provided a copy of the application. The governmental entity should provide a public forum for community involvement and contact affected individuals or groups to obtain input on impacts to the community. The expense of crossing closures or openings, which shall include installation, maintenance, and replacement of grade crossing traffic control devices and grade crossing surfaces, will be the responsibility of the applicant, unless otherwise negotiated and accepted by all parties.

(a) Opening of Public Railroad-Highway Grade Crossings. In considering an application to open a public railroad-highway grade crossing, the following criteria will apply:

1. Safety.
2. Necessity for rail and vehicle traffic.
3. Alternate routes.
4. Effect on rail operations and expenses.
5. Closure of one or more public railroad-highway grade crossings to offset opening a new crossing.
- ~~6.5~~ Design of the grade crossing and road approaches.
- ~~7.6~~ Presence of multiple tracks and their effect upon railroad and highway operations.

(b) through (4) No change.

Specific Authority 334.044(2) FS. Law Implemented 335.141 FS. History–New 3-20-03, Amended.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-203.101
 RULE TITLE: Canteen Operations

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to decrease the limit on inmate weekly canteen purchases from \$100 to \$65.00.

SUBJECT AREA TO BE ADDRESSED: Inmate trust fund fees.

SPECIFIC AUTHORITY: 20.315, 944.09, 945.215 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.215, 946.002 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-203.101 Canteen Operations.

(1) No change.

(2) Each inmate shall be allowed to purchase \$65.00 ~~\$100.00~~ of canteen merchandise on a weekly basis.

(3) through (8) No change.

Specific Authority 20.315, 944.09, 945.215 FS. Law Implemented 20.315, 944.09, 945.215, 946.002 FS. History—New 1-20-86, Formerly 33-3.035, Amended 11-22-91, 5-25-95, 11-13-95, 5-28-96, 2-12-97, Formerly 33-3.0035, Amended 11-18-02, 12-3-03, 12-14-04, 6-16-05,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-203.201
 RULE TITLE: Inmate Trust Fund

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to provide that inmates are charged one percent of their total weekly canteen purchases and \$0.50 for each deposit and inmates housed at Work Release Centers are assessed a \$1.00 fee for each weekly cash draw. The rule is also amended to provide a waiver of fees for Veterans of the United States Armed Forces and reduce the maximum amount of weekly canteen purchases and weekly draw from the inmate trust fund accounts.

SUBJECT AREA TO BE ADDRESSED: Inmate trust fund fees.

SPECIFIC AUTHORITY: 944.09, 944.516, 945.091, 945.215 FS.

LAW IMPLEMENTED: 57.085, 717, 944.09, 944.516, 945.091, 945.215 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-203.201 Inmate Trust Fund.

(1) The following are the policies of the Department with respect to money received for the personal use or benefit of inmates:

(a) through (g) No change.

(h) Pursuant to Section 944.516, F.S., each inmate shall be charged an administrative processing fee of no more than \$6.00 per month for banking services. The fee shall be based upon account activity for the month. An inmate whose account has no activity for the month shall not be assessed a fee for that month. Inmates shall be charged one percent of their total weekly canteen purchases \$1.00 for each weekly draw, and \$0.50 for each deposit ~~and each special withdrawal~~. Inmates housed at Work Release Centers (WRC's) will be assessed a \$1.00 fee for each weekly cash draw. These fees are waived for Veterans of the United States Armed Forces.

(2) No change.

(3)(a) Inmates with sufficient balances in their individual inmate trust fund accounts shall be allowed to spend an amount set by the Secretary not to exceed \$65.00 ~~\$100~~ a week at the institution's canteen for personal use. Inmates on work release with sufficient balances in their individual inmate trust fund accounts shall be allowed to request a weekly draw set by the Secretary not to exceed \$65.00 ~~\$100~~ to be expended for personal use. In order to request an expenditure of funds in excess of the authorized canteen limit or weekly draw, the inmate shall complete Form DC2-304, Inmate Trust Fund Special Withdrawal. Form DC2-304 is hereby incorporated by reference. This form may be obtained from any institution or facility or from the Bureau of Finance and Accounting, Inmate Trust Fund Section, Centerville Station, P. O. Box 12100, Tallahassee, Florida 32317-2100 or from the Forms Control Administrator, Office of Research, Planning and Support Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 7-13-03. If the withdrawal is for the purpose of making a deposit to a savings or similar interest bearing account in the inmate's name, the check drawn upon the inmate trust fund shall be made payable to the savings institution which has been chosen by the inmate, with the inmate as a reference, and shall be mailed to the savings institution. If an inmate requests a copy of a cancelled check or requests to stop payment on a check, the inmate shall be responsible for the fees charged to process these transactions. Requests for special withdrawals submitted without the required signatures or on other than the approved form will be returned to

the inmate without processing. Inmates wishing to send funds to inmates at other institutions must obtain approval from the wardens at both institutions.

- (b) No change.
- (4) through (12) No change.

Specific Authority 944.09, 944.516 945.091, 945.215 FS. Law Implemented 57.085, 717, 944.09, 944.516, 945.091, 945.215 FS. History—New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended 5-7-00, 7-13-03, 10-20-03, 1-23-05, 5-12-05,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.210 RULE TITLE: Optometric Services

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference Update July 2006 to the Florida Medicaid Optometric Services Coverage and Limitations Handbook. The handbook update includes Medicaid coverage for eyeglasses and for visual exams for the purpose of prescribing eyeglasses for recipients age 21 and older. The handbook update also contains coverage of lacrimal punctum plugs and revisions in provider enrollment policies due to the National Provider Identifier (NPI). The effect will be to incorporate by reference in the rule Update July 2006 to the Florida Medicaid Optometric Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Optometric Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908, 409.9081 FS.

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

DATE AND TIME: Monday, August 7, 2006, 2:00 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 DEVELOPMENT IS: Jason Ottinger, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7314

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 59G-4.210 Optometric Services.
- (1) No change.
- (2) All optometric practitioners enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Optometric Services Coverage and

Limitations Handbook, January 2006, updated July 2006, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent’s website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908, 409.9081 FS. History—New 4-13-93, Amended 7-1-93, Formerly 10C-7.069, Amended 12-21-97, 10-13-98, 5-24-99, 4-23-00, 7-5-01, 2-20-03, 8-5-03, 5-24-05, 8-18-05, 5-22-06,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference update September 2006 to the Florida Medicaid Physician Services Coverage and Limitations Handbook. The handbook was revised to include the hospitalist program policies. The effect will be to incorporate by reference in rule update September 2006 to Florida Medicaid Physician Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Physician Services.

SPECIFIC AUTHORITY: 409.919 FS.

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

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

DATE AND TIME: Monday, August 7, 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 DEVELOPMENT IS: Diane Weller, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)410-3037

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 59G-4.230 Physician Services.
- (1) No change.
- (2) All physician services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2006, updated September 2006, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated

by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

(3) through (4) No change.

(5) The following forms that are included in Chapter 5 of the Florida Medicaid Physician Services Coverage and Limitations Handbook are incorporated by reference: Enrollment Notification Letter, September 2006, one page; and Enrollment Notification Letter, Spanish version, September 2006, one pages. Copies of the Enrollment Notification Letters are available from the Bureau of Medicaid Services, 2727 Mahan Drive, M.S. #20, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907, 409.908, 409.9081 FS. History--New 1-1-77, Revised 2-1-78, 4-1-78, 1-2-79, 1-1-80, Amended 2-8-82, 3-11-84, Formerly 10C-7.38, Amended 1-10-91, 11-5-92, 1-7-93, Formerly 10C-7.038, Amended 6-29-93, 9-6-93, Formerly 10P-4.230, Amended 6-13-94, 2-9-95, 3-10-96, 5-28-96, 3-18-98, 9-22-98, 8-25-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03, 6-27-04, 8-3-04, 8-31-05,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.340
RULE TITLE: Visual Services

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference in rule Update July 2006 to the Florida Medicaid Visual Services Coverage and Limitations Handbook. The handbook update includes Medicaid coverage for eyeglasses for recipients age 21 and older. The handbook also contains revisions in provider enrollment policies due to the National Provider Identifier (NPI). The effect will be to incorporate by reference in the rule Update July 2006 to the Florida Medicaid Visual Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Visual Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

DATE AND TIME: Monday, August 7, 2006, 2:00 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: Jason Ottinger, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7314

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.340 Visual Services.

(1) No change.

(2) All visual services practitioners enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Visual Services Coverage and Limitations Handbook, January 2006, updated July 2006, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History--New 7-30-80, Formerly 10C-7.521, Amended 4-20-93, 8-25-93, Formerly 10C-7.0521, Amended 12-21-97, 10-13-98, 6-10-99, 4-23-00, 1-23-02, 2-20-03, 8-5-03, 10-12-04, 8-18-05, 5-22-06,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE CHAPTER NO.: 61C-5
RULE TITLE: Florida Elevator Safety Code

RULE NO.: 61C-5.006
RULE TITLE: Elevator Fees; Construction and Alteration Permits; Annual Certificates of Operation; Delinquency Fee; Certificate Replacement

PURPOSE AND EFFECT: The purpose of this rule development is to adopt a single fee for certificate of operation annual license renewals, effective with the August 1, 2007 renewal cycle; clarify application for permit to alter and permit extension requirements; clarify certificate of operation annual license renewal requirements; and to create consistency between the rule language and statutes.

SUBJECT AREA TO BE ADDRESSED: This rule amendment addresses fee and documentation requirements for certificate of operation annual license renewals; application for permit to alter and permit extension requirements; and creates consistency between the rule language and statutes. Copies of the rule may be obtained from John Calpini in the Bureau of Elevator Safety Tallahassee office at (850)488-9098.

SPECIFIC AUTHORITY: 399.03(2), 399.07(1), 399.10 FS.

LAW IMPLEMENTED: 399.03, 399.07, 399.061 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Calpini, Bureau Chief, Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, FL 32399-1012; Telephone: (850)488-9098

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-5.006 Elevator Fees; Construction and Alteration Permits; Annual Certificates of Operation; Delinquency Fee; ~~Temporary Operation Permits Certificate Replacement.~~

(1) Application for elevator permit to install erect or relocate ~~move~~ shall be accompanied by a fee of \$250 plus the appropriate fee as specified in paragraph 61C-5.006(4)(a), Florida Administrative Code. Every permit issued becomes invalid unless the work authorized by such permit is commenced within 6 months ~~1 year~~ after issuance, or ~~if~~ if the work authorized by such permit is suspended or abandoned for a period of 60 days ~~1 year~~ after the time the work is commenced, provided that, Ffor good cause, one or more discretionary extensions of time, for periods not exceeding 90 days each may be allowed. Such discretionary extensions shall be in writing and signed by the director of the Division of Hotels and Restaurants or the director's his designee. The following grounds for extension shall constitute good cause for the granting of an discretionary extension:

(a) ~~An extension of time shall be granted due to~~ delays in construction, ~~including delay~~ arising from the non-availability of parts necessary to complete construction; ~~the occurrence of~~ a natural disaster or civil disturbance; the injury, illness, or death of an involved material party to the construction; or other ~~hardship~~ as approved by the director or the director's designee; except when the director or ~~the director's his~~ designee determines that the delay is the fault of the contractor or applicant, or where the delay results from failure to diligently pursue construction.

(b) ~~An extension of time shall be granted due to~~ delays caused by the injury, illness or death of an involved material party to the construction.

(c) ~~The director shall also grant an extension of time where failure to grant the requested extension will impose hardship on the party requesting the permit; except when the director or his designee determines that the necessity for the extension is due to the party's own negligence and the necessity for the extension would have been avoided by the party's exercise of due diligence.~~

(2) Application for elevator permit to alter shall be accompanied by a fee of \$200. Each application for alteration shall also be accompanied by a list of the alterations to be performed under the permit.

(3) The annual license renewal period of certificates of operation commences on August 1 of each year. ~~A renewal application for a certificate of operation filed with the division after August 1 of each year must be accompanied by a delinquency fee of \$50 in addition to the annual renewal fee and any other fees required by law. For the purpose of this section, A~~all certificates of operation will expire on July 31, at 11:59 p.m. of each year. Applications for renewal certificates of operation not postmarked and paid by August 1 of each year will be deemed delinquent. The following items are required for renewal and must be submitted to the Bureau of Elevator Safety prior to issuance of a renewal certificate of operation:

(a) Proof of a current satisfactory inspection;

(b) Those elevators or other conveyances not requiring an inspection pursuant to Section 399.061(1)(a), Florida Statutes, shall annually submit proof of a current satisfactory inspection or an attestation to the presence of a current service maintenance contract as defined in Section 399.01(10), Florida Statutes, which is in compliance with Rule 61C-5.013, Florida Administrative Code, including the date of the most recent routine examination. The duration of the service maintenance contract shall equal or exceed the license renewal period;

(c) The annual license renewal fee and any other fees required by law; and

(d) A delinquent certificate of operation renewal application must be accompanied by a delinquency fee of \$50 in addition to the annual license renewal fee and any other fees required by law.

(4)(a) ~~Annual certificate of operation fees for elevators are based on whether or not a service maintenance contract to insure safe elevator operation is consistently in force. In addition, The fee shall be based on a~~ the following schedules of \$45 for each elevator class as follows:

<u>TYPE OF INSTALLATION</u>	<u>CLASS</u>	<u>TYPE OF INSTALLATION</u>	<u>CLASS</u>
<u>Traction Passenger</u>	<u>01</u>	<u>LU/LA (Limited Use/Limited Application)</u>	<u>09</u>
<u>Hydraulic Passenger</u>	<u>02</u>	<u>Dumbwaiter</u>	<u>10</u>
<u>Traction Freight</u>	<u>03</u>	<u>Escalator</u>	<u>12</u>
<u>Hydraulic Freight</u>	<u>04</u>	<u>Sidewalk Elevator</u>	<u>14</u>
<u>Hand Power Passenger</u>	<u>05</u>	<u>Material Lift/Dumbwaiter with Automatic Transfer Device</u>	<u>15</u>
<u>Hand Power Freight</u>	<u>06</u>	<u>Special Purpose Personnel Elevator</u>	<u>16</u>

<u>Moving Walk</u>	<u>07</u>
<u>Inclined Lift</u>	<u>08</u>

<u>Inclined Stairway Chairlift</u>	<u>17</u>
<u>Inclined & Vertical Wheelchair Lift</u>	<u>18</u>

This fee schedule applies to all annual certificate of operation renewals beginning with the August 1, 2007 license renewal cycle.

(b) All annual certificate of operation renewals preceding the 2007 license renewal cycle shall be based on the following schedules:

(1)(a) Fees based on type of installation and number of landings. Hand-operated, electric, hydraulic passenger and freight elevators, escalators, side walk elevators, power operated dumbwaiters, material lifts and dumbwaiters with automatic transfer devices, inclined stairway chairlifts, inclined and vertical wheelchair lifts and inclined elevators.

NUMBER OF LANDINGS

Elevators Elevators serving 0 – 2 landings
Elevators serving 3 – 5 landings
Elevators serving 6 – 10 landings
Elevators serving 11 – 15 landings
Elevators serving over 15 landings

FEES UNDER SERVICE MAINTENANCE CONTRACT	FEE NO SERVICE MAINTENANCE CONTRACT
\$32	\$72
\$36	\$77
\$41	\$81
\$45	\$86
\$45	\$90

(2)(b) Fee based on type of installation, regardless of the number of landings:

TYPE OF INSTALLATION

Special purpose Elevators, Manlifts, Moving Walks

FEES UNDER SERVICE MAINTENANCE CONTRACT	FEE NO SERVICE MAINTENANCE CONTRACT
\$45	\$90

~~(c) Fee for Temporary Operating Permits — \$100. The permit shall be issued for a period not to exceed 30 days.~~

(5) through (6) No change.

Specific Authority ~~399.03(2), 399.07(1), 399.07(1)(d), 399.07(2)(d), 399.10 FS. Law Implemented 399.03, 399.061, 399.07, 399.07(1)(d), 399.07(2)(d) FS. History—New 8-21-79, Amended 11-20-79, 10-8-81, 4-21-82, 8-1-82, 11-27-83, 9-19-84, 10-8-85, Formerly 7C-5.06, Amended 10-31-88, 7-1-92, 10-11-92, Formerly 7C-5.006, Amended 2-2-94, 1-1-98, 5-24-01, _____.~~

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robyn Barineau, Executive Director, Barbers Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0790

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers Board

RULE NO.:	RULE TITLE:
61G3-16.0092	Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/ADS) Education Provider Requirements

PURPOSE AND EFFECT: The Board proposes to amend the rule to change the time for providing list of attendees taking the course for continuing education purposes from 5 business days to 30 business days and to add “prior to the licensee’s renewal date, whichever occurs sooner”.

SUBJECT AREA TO BE ADDRESSED: HIV/AIDS education provider requirements.

SPECIFIC AUTHORITY: 455.2228, 476.064(4) FS.

LAW IMPLEMENTED: 455.2178, 455.2179, 455.2228 FS.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G3-16.0092 Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) Education Provider Requirements.

(1) through (5) No change.

(6) Providers shall maintain a system of recordkeeping which provides for storage of approved courses. Providers shall maintain a roster of participants for four years. The records and roster shall be available for inspection by the Board or Department. Providers must electronically provide to the Department a list of attendees taking the course for continuing education purposes within 30 ~~5~~ business days of the completion of the course or prior to the licensee’s renewal date, whichever occurs sooner. The list of attendees submitted electronically to the Department shall not include applicants

taking the course for initial licensure. For home study courses, the provider must electronically supply the list of those individuals successfully completing the course by the 5th of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the licensee. This list shall include the provider's name and provider number, the name and license number of the attendee, the date the course was completed and the course number. Failure to comply with the time and form requirements will result in disciplinary action taken against the provider.

Specific Authority 455.2228, 476.064(4) FS. Law Implemented 455.2178, 455.2179, 455.2228 FS. History--New 9-12-01, Amended

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.: 61G7-5.0033
 RULE TITLE: Consolidated and Combined Financial Statements

PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for consolidated and combined financial statement.

SUBJECT AREA TO BE ADDRESSED: Consolidated and Combined Financial Statements.

SPECIFIC AUTHORITY: 468.522, 468.525(3)(e) FS.

LAW IMPLEMENTED: 468.525(3)(e) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Morrison, Executive Director, Board of Employee Leasing Companies, Department of Business and Professional Regulations, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.: 61G7-10.002
 RULE TITLE: Reporting of Change of Status Required; Effect on Licensees; Change of Licensee Name

PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for the reporting of change of status.

SUBJECT AREA TO BE ADDRESSED: Reporting of Change of Status Required; Effect on Licensees; Change of Licensee Name.

SPECIFIC AUTHORITY: 468.522, 468.524(2), 468.525(3), 468.526, 468.530(3), 468.531 FS.

LAW IMPLEMENTED: 468.524(2), 468.525(3), 468.526, 468.530(3), 468.531 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Morrison, Executive Director, Board of Employee Leasing Companies, Department of Business and Professional Regulations, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-21.007
 RULE TITLE: Re-examination

PURPOSE AND EFFECT: Purpose and effect is to establish the minimum passing score to demonstrate an applicant who has failed the licensing examination has acquired the knowledge necessary to demonstrate minimum competency.

SUBJECT AREA TO BE ADDRESSED: Re-examination.

SPECIFIC AUTHORITY: 455.217(2) FS.

LAW IMPLEMENTED: 455.217(2), 471.011, 471.013, 471.015 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-21.007 Re-examination.

If an applicant fails three times to pass the examination, the applicant must take additional courses in order to reapply for examination. The applicant must submit to the Board of

Professional Engineers transcripts for the enrollment and completion of twelve (12) college credit hours, with grades no lower than a "C" or its equivalent, of college level courses in the applicant's area of deficiency. For applicants to take Part I of the engineer examination, such additional courses shall be undergraduate college courses in higher mathematics, basic sciences or engineering as described in paragraphs 61G15-20.007(2)(a), (b), and (d), F.A.C. For applicants to take Part II of the engineer examination, such additional courses shall be upper level or higher courses in engineering, as defined in paragraph 61G15-20.007(2)(d), F.A.C.

Specific Authority 455.217(2) FS. Law Implemented 455.217(2), 471.011, 471.013, 471.015 FS. History—New 1-8-80, Amended 8-25-81, Formerly 21H-21.07, 21H-21.007, Amended 2-14-95, 5-22-01, 12-10-02, 2-3-05, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-33.003
 RULE TITLE: Continuing Professional Education

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing Professional Education.

SPECIFIC AUTHORITY: 120.55(1)(a)4, 455.213(6), 455.2177, 455.2178, 455.2179, 473.304, 473.312 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 473.312(1)(a), (c) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Johnson, Division Director, Board of Accountancy/MQA, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

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 NOS.:	RULE TITLES:
62-505.200	Definitions
62-505.300	General Program Information
62-505.350	Financially Disadvantaged Small Community Grant Funding
62-505.360	Rural Hardship Community Grant Funding
62-505.420	Project Allowances
62-505.600	Priority List Information
62-505.650	Priority Determination
62-505.655	Ranking Projects for Priority List Development
62-505.680	Priority List Management
62-505.700	Planning, Design, Construction, and Post-construction Requirements
62-505.800	Audit Required

PURPOSE AND EFFECT: The Department has developed rule amendments to clarify and update grants to financially disadvantaged small communities.

SUBJECT AREA TO BE ADDRESSED: The Small Community Wastewater Facilities Grants Program provides financial assistance in the form of grants to municipalities for planning, design, construction, and technical services associated with construction of point source water pollution control projects. Rule development will address priority list development and scoring, allowable costs, grant percentage determination; planning and design prerequisites; procurement, grants associated with State Revolving Fund loans; and rule clarification and organization.

SPECIFIC AUTHORITY: 403.1835, 403.1838 FS.

LAW IMPLEMENTED: 403.1838 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Robert Holmden, Bureau of Water Facilities Funding, MS #3505, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; telephone (850)245-8358; or e-mail robert.holmden@dep.state.fl.us If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert Holmden, Bureau of Water Facilities Funding, MS #3505,

Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; telephone (850)245-8358; or e-mail robert.holmden@dep.state.fl.us

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

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: 64B2-13.004
RULE TITLE: Continuing Education

PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for continuing education courses.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 456.025(7), 460.408(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.025(7), 456.036(10), 460.408 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: 64B2-13.0045
RULE TITLE: Continuing Education Course
Required for Initial Licensure,
Renewal, or Reactivation

PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for continuing education course required for initial, renewal, or reactivation of license.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Course Required for Initial Licensure, Renewal, or Reactivation.

SPECIFIC AUTHORITY: 456.013, 456.033, 460.408(3) FS.

LAW IMPLEMENTED: 456.033, 456.013(7) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: 64B2-13.007
RULE TITLE: Continuing Education During Initial
Licensure Period

PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for continuing education during initial licensure period.

SUBJECT AREA TO BE ADDRESSED: Continuing Education During Initial Licensure Period.

SPECIFIC AUTHORITY: 456.013(6), 460.405, 460.408 FS.

LAW IMPLEMENTED: 456.013(6), 460.408 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: 64B2-15.001
RULE TITLE: Deceptive and Misleading
Advertising Prohibited; Policy;
Definition

PURPOSE AND EFFECT: The Board proposes a rule amendment to address chiropractic specialties recognized by the Board.

SUBJECT AREA TO BE ADDRESSED: Deceptive and Misleading Advertising Prohibited; Policy; Definition.

SPECIFIC AUTHORITY: 460.405 FS.
 LAW IMPLEMENTED: 456.062, 460.413(1)(d) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: 64B2-16.0075 RULE TITLE: Citations
 PURPOSE AND EFFECT: The Board proposes a rule amendment to assess the penalty amount in rule citations.
 SUBJECT AREA TO BE ADDRESSED: Citations.
 SPECIFIC AUTHORITY: 456.039(3), 456.077, 460.405 FS.
 LAW IMPLEMENTED: 456.035, 456.039(3), 456.072(3), 456.073 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: 64B2-17.006 RULE TITLE: Retention of Chiropractic Records; Time Limitations
 PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for the time limitation for the retention of chiropractic records.
 SUBJECT AREA TO BE ADDRESSED: Retention of Chiropractic Records; Time Limitations.
 SPECIFIC AUTHORITY: 456.056, 460.405 FS.
 LAW IMPLEMENTED: 456.057(12), 456.058 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: 64B2-18.0075 RULE TITLE: Direct Supervision of Registered Chiropractic Assistant
 PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for direct supervision of a registered chiropractic assistant.
 SUBJECT AREA TO BE ADDRESSED: Direct Supervision of a Registered Chiropractic Assistant.
 SPECIFIC AUTHORITY: 460.405, 460.4166 FS.
 LAW IMPLEMENTED: 460.4166 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-42.005 RULE TITLE: Additional Educational Requirements for Initial Licensure
 PURPOSE AND EFFECT: The Board proposes to review the rule to remove unnecessary language and to update and clarify requirements for additional educational for initial licensure.
 SUBJECT AREA TO BE ADDRESSED: Additional educational requirements for initial licensure.
 SPECIFIC AUTHORITY: 456.013(7), 456.033 FS.
 LAW IMPLEMENTED: 456.13(7), 456.033 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Love, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-44.003 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment to comply with the requirements of subsection 456.072(1)(t), F.S., providing for discipline of licensees who fail to notify patients of practitioner’s license type and for advertisements naming a practitioner that fail to notify the practitioner’s license type.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 456.072(1)(t), 456.079, 458.309, 468.507 FS.

LAW IMPLEMENTED: 456.072(1)(t), 456.079, 468.517, 468.518(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Love, Executive Director, Electrolysis Council /MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-45.006 RULE TITLE: Continuing Education on HIV/AIDS

PURPOSE AND EFFECT: The Board proposes to review the rule to update and to clarify requirements for continuing education on HIV/AIDS.

SUBJECT AREA TO BE ADDRESSED: Continuing education on HIV/AIDS.

SPECIFIC AUTHORITY: 456.033 FS.

LAW IMPLEMENTED: 456.033 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Love, Executive Director, Electrolysis/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-11.012 RULE TITLE: Notification of Change of Address or Employing Facility

PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for notification of change of address or employing facility.

SUBJECT AREA TO BE ADDRESSED: Notification of Change of Address or Employing Facility.

SPECIFIC AUTHORITY: 456.035, 468.1685(1), (5), (7), (8) FS.

LAW IMPLEMENTED: 456.035, 468.1685(1), (5), (7), (8) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-2.007 RULE TITLE: Medical Error Prevention Education for Initial Licensure

PURPOSE AND EFFECT: The Board proposes a substantial rewrite of the rule to remove unnecessary language and to remove reference to Section 456.033, F.S., as it is no longer relates to initial licensure.

SUBJECT AREA TO BE ADDRESSED: Removal of HIV/AIDS education requirement for initial licensure.

SPECIFIC AUTHORITY: 456.013(7), 456.033, 468.204 FS.

LAW IMPLEMENTED: 456.013(7), 456.033 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B11-2.007 ~~HIV/AIDS~~ and Medical Error Prevention Education for Initial Licensure.

~~(1) In order to comply with Section 456.033, Florida Statutes, each applicant for licensure as an Occupational Therapist must obtain for initial licensure a minimum of two hours of continuing education by participation in an approved formal training activity or self-study program on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome. The course shall consist of education on the modes of transmission, infection control procedures, clinical management, and prevention of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome. In addition, the course shall include information on current Florida Law on Acquired Immune Deficiency Syndrome and its impact on testing, confidentiality of test results, treatment of patients, and any protocols and procedures applicable to human immunodeficiency virus counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to Sections 381.004 and 381.25, Florida Statutes.~~

~~(2) As part of the application, the applicant shall confirm completion of the required course by submitting a copy of the course completion certificate. If the course has not been completed at the time of licensure, the applicant shall, upon the submission of an affidavit of good cause, be allowed 6 months to complete this requirement.~~

~~(3) The licensee must retain such receipts, vouchers, certificates, or other papers as may be necessary to document completion of the HIV/AIDS education listed on the form for a period of not less than four (4) years from the date the course was taken. The Board will audit at random a number of licensees as is necessary to assure that the HIV/AIDS education requirement has been met.~~

~~(4) All applicants for licensure shall submit to the Board proof of completion of a 2-hour course relating to the prevention of medical errors. The course must have been~~

approved by the Board and may be one offered by a facility licensed pursuant to Chapter 395, Florida Statutes. The course shall include a study of root-cause analysis, error reduction and prevention, patient safety, and for applications filed on or after July 1, 2004, must include contraindications and indications specific to occupational therapy management, including medication and side effects.

Specific Authority 456.013(7), ~~456.033~~, 468.204 FS. Law Implemented 456.013(7), ~~456.033~~ FS. History—New 12-11-96, Formerly 59R-61.016, Amended 7-28-99, 6-25-02, 2-19-04, _____.

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-3.005
 RULE TITLE: Medical Error Prevention Education for Initial Licensure

PURPOSE AND EFFECT: The Board proposes a substantial rewrite of the rule to remove unnecessary language and to remove reference to Section 456.033, F.S., as it is no longer relates to initial licensure.

SUBJECT AREA TO BE ADDRESSED: HIV/AIDS education requirement for initial licensure.

SPECIFIC AUTHORITY: 456.013(7), 456.033, 468.204 FS.

LAW IMPLEMENTED: 456.013(7), 456.033 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B11-3.005 ~~HIV/AIDS~~ and Medical Error Prevention Education for Initial Licensure.

~~(1) In order to comply with Section 456.033, Florida Statutes, each applicant for licensure as an Occupational Therapy Assistant must obtain for initial licensure a minimum of two hours of continuing education by participation in an approved formal training activity or self-study program on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome. The course shall consist of education on the modes of transmission, infection control procedures, clinical management, and prevention of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome. In addition, the course shall include information on current Florida Law on Acquired Immune Deficiency Syndrome and its impact on testing, confidentiality of test~~

results, treatment of patients, and any protocols and procedures applicable to human immunodeficiency virus counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to Sections 381.004 and 384.25, Florida Statutes.

~~(2) As part of the application, the applicant shall confirm completion of the required course by submitting a copy of the course completion certificate. If the course has not been completed at the time of licensure, the applicant shall, upon the submission of an affidavit of good cause, be allowed 6 months to complete this requirement.~~

~~(3) The licensee must retain such receipts, vouchers, certificates, or other papers as may be necessary to document completion of the HIV/AIDS education listed on the form for a period of not less than four (4) years from the date the course was taken.~~

~~(4) All applicants for licensure shall submit to the Board proof of completion of a 2-hour course relating to the prevention of medical errors. The course must have been approved by the Board and may be one offered by a facility licensed pursuant to Chapter 395, Florida Statutes. The course shall include a study of root-cause analysis, error reduction and prevention, patient safety, and for applications filed on or after July 1, 2004, must include contraindications and indications specific to occupational therapy management, including medication and side effects.~~

Specific Authority 456.013(7), ~~456.033~~, 468.204 FS. Law Implemented 456.013(7), ~~456.033~~ FS. History—New 12-11-96, Formerly 59R-62.013, Amended 4-5-98, 7-28-99, 6-25-02, 2-19-04, _____.

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: RULE TITLE:

64B11-4.003 Standards for Practice; Discipline

PURPOSE AND EFFECT: The Board proposes to review the rule for any necessary changes to implement disciplinary guidelines for the new violation addressed in Section 456.072(1)(5), F.S.

SUBJECT AREA TO BE ADDRESSED: Standards of practice and discipline.

SPECIFIC AUTHORITY: 456.079, 468.204 FS.

LAW IMPLEMENTED: 456.072, 456.079, 468.217 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: RULE TITLE:

64B11-5.001 Requirements for License Renewal of an Active License; Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove unnecessary language removing reference to end of life care and palliative health care as well as HIV/AIDS education.

SUBJECT AREA TO BE ADDRESSED: Continuing Education for license renewal of an active license.

SPECIFIC AUTHORITY: 456.036, 468.219 FS.

LAW IMPLEMENTED: 456.013, 456.033, 456.036, 468.219 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B11-5.001 Requirements for License Renewal of an Active License; Continuing Education.

Continuing education includes attendance and participation as required at a live presentation such as workshop, seminar, conference, or in-service educational programs. It may also include participation in other continuing education activities that require a formal assessment of learning. Examples include, but are not limited to, electronic or web-based courses, formalized self-study courses and continuing education articles. An active license shall be renewed upon demonstration that the licensee has paid the renewal fee set forth in Rule 64B11-2.009 or 64B11-3.007, F.A.C., respectively, and has complied with the following requirements:

(1) through (3) No change.

(4) HIV/AIDS – ~~As part of the twenty-six (26) hours of continuing education required herein for license renewal, the licensee shall complete one (1) hour of HIV/AIDS education as set forth in Section 456.033, F.S., or a course in end of life care and palliative health care, so long as the licensee has~~

~~completed an approved one (1) hour HIV/AIDS course in the immediately preceding biennium no later than upon first renewal.~~

(5) through (7) No change.

(8) Exemption – Those persons certified for licensure in the second half of the biennium are exempt from the continuing education requirements for that biennium, except for the two (2) hour prevention of medical errors course requirement referenced above and required by Section 456.013, F.S., ~~and except for the one (1) hour HIV/AIDS education or end of life care and palliative health care course referenced above as required by Section 456.033, F.S.~~

(9) through (15) No change.

Specific Authority 456.036, 468.219 FS. Law Implemented 456.013, 456.033, 456.036, 468.219 FS. History–New 4-17-95, Amended 10-30-95, 3-11-96, Formerly 59R-64.060, Amended 9-23-99, 10-18-01, 6-25-02, 5-7-03, 3-28-04, 10-24-04,_____.

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-5.003
RULE TITLE: Requirements for Reactivation of an Inactive License

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove unnecessary language for end of life palliative health care and HIV/AIDS education.

SUBJECT AREA TO BE ADDRESSED: Requirements for reactivation of an inactive license.

SPECIFIC AUTHORITY: 456.036, 468.204, 468.219 FS.

LAW IMPLEMENTED: 456.036, 468.219 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B11-5.003 Requirements for Reactivation of an Inactive License.

(1) An inactive license for an occupational therapist or occupational therapist assistant shall be reactivated upon demonstration that the licensee has satisfied the following requirements:

(a) through (c) No change.

~~(d) Completed one (1) hour of approved continuing education in the area of HIV/AIDS or end of life palliative health care as authorized and prescribed in subsection~~

~~64B11-5.001(4), F.A.C., for each full biennium in which the licensee was in an inactive status and for the last biennium in which the licensee held an active status license.~~

~~(d)(e) Completion of two (2) hours of approved continuing education relating to the prevention of medical errors, as authorized and prescribed in subsection 64B11-5.001(5), F.A.C., for each full biennium in which the licensee was in an inactive status and for the last biennium in which the licensee held an active status license.~~

(2) through (5) No change.

Specific Authority 456.036, 468.204, 468.219 FS. Law Implemented 456.036, 468.219 FS. History–New 4-17-95, Formerly 59R-64.020, Amended 10-18-01, 8-2-05, 5-29-06,_____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: 69B-211.320
RULE TITLE: Curriculum Standards for Special Designation

PURPOSE AND EFFECT: The rule adds Professional Property Insurance Adjuster (PPIA) and Certified Claims Adjuster (CCA) as special designations for curriculum standards as established by the rule in accordance with the new legislation.

SUBJECT AREA TO BE ADDRESSED: Persons seeking the professional claims adjuster designation and persons providing training for the designation.

SPECIFIC AUTHORITY: 626.221 FS.

LAW IMPLEMENTED: 626.221 FS.

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

DATE AND TIME: Tuesday, August 8, 2006, 9:30 a.m.

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Hazel Muhammad, Chief, Bureau of Licensing, Division of Insurance Agents and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5460

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69B-211.320 Curriculum Standards for Special Designation.

Pursuant to Section 626.221(1), F.S., the Department of Financial Services establishes the following curriculum standards:

(1) No change.

(2) For designation as an Accredited Claims Adjuster (ACA), ~~or~~ Professional Claims Adjuster (PCA), Professional Property Insurance Adjuster (PPIA) or Certified Claims Adjuster (CCA), the requirement is at least 40 course hours:

(a) through (b) No change.

Specific Authority 626.221 FS. Law Implemented 626.221 FS. History—New 11-6-01, Amended 8-7-03, Formerly 4-211.320, Amended 1-17-05, _____.

Section II Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Quality Assurance

RULE CHAPTER NO.: RULE CHAPTER TITLE:

59A-31	Disputed Reimbursement Rule
RULE NOS.:	RULE TITLES:
59A-31.002	Disputed Reimbursement
59A-31.003	Petition Form
59A-31.004	Carrier Response Form
59A-31.005	Petition Requirements
59A-31.006	Consolidation of Petitions
59A-31.007	Service of Petition on Carrier and Affected Parties
59A-31.008	Computation of Time
59A-31.009	Carrier Response Requirements
59A-31.010	Effect of Non-Response by Carrier
59A-31.011	Complete Record
59A-31.012	Joint Stipulation of the Parties
59A-31.013	Petition Withdrawal
59A-31.014	Overutilization Issues Raised in Reimbursement Dispute Resolution
59A-31.015	Managed Care Arrangements

PURPOSE AND EFFECT: The purpose of the proposed rules is to substantially reword the existing rule to establish uniform procedures and form filing requirements for health care providers and employer/carriers regarding AHCA resolution of workers' compensation reimbursement disputes.

SUMMARY: The proposed rule enumerates the procedural requirements of the Agency's Reimbursement Dispute process. SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: No Statement of 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: 440.13(7), 440.134(25)(e), 440.591 FS.

LAW IMPLEMENTED: 440.13(7) FS.

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

DATE AND TIME: August 11, 2006, 10:00 a.m. – 12:00 Noon
PLACE: Room 104-J, Hartman Bldg., 2012 Capital Circle, S.E., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Beverly J. Williams, Medical Health Care Program Analyst, AHCA, Workers' Compensation Unit, 2012 Capital Circle, Southeast, Tallahassee, Florida 32399-4232

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-31.002 Disputed Reimbursement.

Specific Authority 440.13(7) FS. Law Implemented 440.13(2)(a)(i) FS. History—New 5-15-1991, Formerly 38F-7.517, 4L-7.517, F.A.C. Amended 4-2-06, Repealed _____.

59A-31.003 Petition Form.

(1) The Petition for Resolution of Reimbursement Dispute Form (AHCA Form 3160-0023) is hereby incorporated by reference. This form may be obtained on the Internet at <http://www.fldfs.com/wc/forms.html> or by contacting the Agency at (850)413-1613.

(2) A petition to contest carrier disallowance or adjustment of payment pursuant to Section 440.13(7)(a), F.S., must be on the Petition for Resolution of Reimbursement Dispute form. Any submission seeking to contest the disallowance or adjustment of payment by a carrier pursuant to Section 440.13(7)(a), F.S., must include a completed Petition for Resolution of Reimbursement Dispute form.

Specific Authority 440.13(7)(e) FS. Law Implemented 440.13(7)(a) FS. History—New _____

59A-31.004 Carrier Response Form.

(1) The Carrier Response to Petition for Resolution of Reimbursement Dispute form (AHCA Form 3160-0024) is hereby incorporated by reference. This form may be obtained on the Internet at <http://www.fldfs.com/wc/forms.html> or by contacting the Agency at (850)413-1613.