

Specific Authority 440.05(10), 440.107(5), 440.107(9), 440.591 FS.
Law Implemented 440.05(10), 440.10(1), 440.107(3), 440.107(7),
440.38(1) FS. History—New

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: 1B-2.011
RULE TITLE: Library Grant Programs

PURPOSE AND EFFECT: The purpose of this amendment is to modify the questions on the Annual Statistical Report Form for Florida's Public Libraries for the State Aid to Libraries grant program and to modify audit clauses in the grant agreement for the State Aid to Libraries grant program, Community Libraries in Caring program, and the Public Library Construction Grant program.

The major effects of the changes described above are to improve the ability of the grantee to provide the requested information.

SUMMARY: Modifies the questions on the Annual Statistical Report Form for Florida's Public Libraries for the State Aid to Libraries grant program and to modify audit clauses in the grant agreement for the State Aid to Libraries grant program, Community Libraries in Caring program, and the Public Library Construction Grant program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost has been 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: 257.14, 257.15, 257.17, 257.171, 257.172, 257.18 FS.

LAW IMPLEMENTED: 257.14, 257.15, 257.17, 257.171, 257.172, 257.18 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, November 30, 2006, 9:00 a.m. – 12:00 noon

PLACE: Archives Conference Room, First Floor, State Library and Archives of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL

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: Judith A. Ring, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250. 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: Judith A. Ring, Director, Division of Library and Information Services, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250; (850)245-6600, SUNCOM 205-6600

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-2.011 Library Grant Programs.

(1) This rule provides procedures for library grant programs administered by the Division of Library and Information Services (Division). Each program shall be governed by guidelines which contain information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, if applicable, and application forms. All grant awards shall be subject to final approval by the Secretary of State.

(2) Applicants for grants shall meet the eligibility and application requirements as set forth in the following guidelines for each grant program:

(a) The State Aid to Libraries Grant Guidelines and Application, effective 4-1-98, amended 11-20-01, amended 12-28-03, amended, which contain guidelines and application forms, State Aid to Libraries Grant Application (Form DLIS/SA01), effective 4-1-98, amended 12-28-03; State Aid to Libraries Grant Application – Multicounty Library (Form DLIS/SA02), effective 4-1-98, amended 12-28-03; Certification of Credentials – Single Library Administrative Head (Form DLIS/SA03), effective 4-1-98, amended 12-28-03; State Aid to Libraries Grant Application – Summary Financial Report (Form DLIS/SA04), effective 4-1-98, amended 12-28-03.

(b) The Library Construction Grant Guidelines and Application, effective 4-1-98, amended 2-14-99, amended 1-9-03, amended, which contain instructions, grant application (Form DLIS/PLC01), effective 4-1-98, amended 2-14-99, amended 4-4-00, amended 12-18-00, amended 1-9-03; Payment Request #1 (Form DLIS/PLC02) effective 1-9-03; Payment Request #2 (Form DLIS/PLC03) effective 1-9-03; Payment Request #3 (Form DLIS/PLC04) effective 1-9-03; Payment Request #4 (Form DLIS/PLC05) effective 1-9-03; and Closeout Report (Form DLIS/PLC06) effective 1-9-03.

(c) The Library Cooperative Grant Guidelines and Application, effective 4-1-98 which contain instructions and application (Form DLIS/LCG01), effective 4-1-98, amended

4-4-00; Annual Report Form and Annual Statistical Report Form for Multitype Library Cooperatives (Form DLIS/LCG02), effective 4-1-98, amended 4-4-00.

(d) The Library Services and Technology Act Grant Guidelines and Application, effective 4-1-98, amended 2-14-99, amended 11-20-01, which contain instructions and application (Form DLIS/LSTA01), effective 4-1-98, amended 2-14-99, amended 4-4-00, amended 12-18-00, amended 11-20-01; Mid-Year Report (Form DLIS/LSTA02), effective 2-14-99, amended 4-4-00, amended 12-18-00, amended 11-20-01; and Annual Report (Form DLIS/LSTA03), effective 4-4-00, amended 12-18-00, amended 11-20-01.

(e) The Florida Library Literacy Grants Guidelines and Application, effective 4-4-00, amended 11-20-01 which contain instructions and application (Form DLIS/FLL01), effective 4-4-00, amended 11-20-01; Mid-Year Report (Form DLIS/FLL02), effective 4-4-00, amended 11-20-01; and Annual Report (Form DLIS/FLL03), effective 4-4-00, amended 11-20-01.

(f) The Community and Library Technology Access Partnership Grants Guidelines and Application which contain instructions and application (Form DLIS/CLTA01), effective 12-18-00; and Annual Report (Form DLIS/CLTA02), effective 12-18-00.

(g) The Community Libraries in Caring Program Application, effective 11-16-04, which contains instructions and application (Form DLIS/CLIC01), effective 11-16-04; Annual Report (Form DLIS/CLIC02), effective 11-16-04; and Grant Agreement (Form DLIS/CLIC03), effective 11-16-04, revised 2-21-06, amended _____.

(3) Guidelines and forms in this rule are incorporated by reference and may be obtained from the Director of the Division, Florida Department of State, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250.

(4) The Division of Library and Information Services will waive the financial matching requirements on grants for rural communities that have been designated in accordance with Sections 288.0656 and 288.06561, F.S. Eligible communities applying for Library Services and Technology Act grants, Florida Library Literacy Grants, and Library Construction grants must request waiver of matching requirements at the time of grant application.

(5) This section supersedes Chapters 1B-3 and 1B-5, F.A.C.

Specific Authority 257.14, 257.191, 257.192, 257.24, 257.41(2) FS. Law Implemented 240.5186, 257.12, 257.14, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.19, 257.191, 257.192, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40, 257.41, 257.42 FS. History—New 1-25-93, Amended 7-17-96, 4-1-98, 2-14-99, 4-4-00, 12-18-00, 11-20-01, 3-20-02, 1-9-03, 12-28-03, 11-16-04, 2-21-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marian Deeney, Amy L. Johnson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Loretta Flowers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 2006

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

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: RULE CHAPTER TITLE:

14-10 Outdoor Advertising Sign Regulation and Highway Beautification

RULE NOS.: RULE TITLES:

14-10.003 Licenses

14-10.004 Permits

14-10.006 Additional Permitting Criteria

PURPOSE AND EFFECT: Form 575-070-04, Outdoor Advertising Permit Application, is being revised and paragraph 14-10.006(4)(e), F.A.C., is amended to clarify language relating to placement of new or proposed signs. Four other forms also are being amended.

SUMMARY: Form 575-070-04, Outdoor Advertising Permit Application, is being revised and paragraph 14-10.006(4)(e), F.A.C., is amended to clarify language relating to placement of new or proposed signs. That language regarding sign placement has been revised following a rule development workshop held on October 9, 2006. Four other forms also are being amended.

SPECIFIC AUTHORITY: 334.044(2), 479.02(7), 479.07(3)(c) FS.

LAW IMPLEMENTED: 215.34, 479.04, 479.07 FS.

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

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: November 27, 2006, 9:00 a.m.

PLACE: Department of Transportation, Haydon Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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 FULL TEXT OF THE PROPOSED RULES IS:

14-10.003 Licenses.

(1) No change.

(2) Application Form. An application for a license to engage in the business of outdoor advertising shall be made on an Outdoor Advertising License Application, Form 575-070-02, Rev. 10/06 ~~07/04~~, incorporated herein by reference. Form 575-070-02 may be obtained from the State Outdoor Advertising License and Permit Office, Florida Department of Transportation, 605 Suwannee Street, Mail Station 22, Tallahassee, Florida 32399-0450.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 120.60, 215.34(2), 334.044(28), 339.05, 479.02, 479.04, 479.05, 479.07 FS. History—(Formerly part of Rule 14-15.05, Right of Way Bureau Operating Procedures), New 3-28-76, Amended 4-21-77, 12-10-77, 1-1-86, Formerly 14-10.03, Amended 6-28-98, 8-19-01, 1-25-04,_____.

14-10.004 Permits.

(1) An application for a new sign permit is made by completing and submitting an Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 10/06 ~~04/05~~, incorporated herein by reference, to the address listed in subsection 14-10.003(2), F.A.C. Applications may be obtained from the State Outdoor Advertising License and Permit Office.

(a) through (e) No change.

(f) For purposes of (c), above, when a valid permit is being conditionally canceled pursuant to subsection 14-10.004(9), F.A.C., the Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 10/06 ~~07/04~~, incorporated herein by reference, and Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 10/06 ~~04/05~~, must be submitted simultaneously to the Department. Form 575-070-12 may be obtained from the address listed in Rule subsection 14-10.003(2), F.A.C. The date the Department receives the cancellation and complete application documents shall be considered the date the application is received.

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

(d) The Department shall issue an Outdoor Advertising Permit, Form 575-070-30, Rev. 07/01, to the sign owner upon receipt of a complete Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 10/06 ~~04/05~~, together with all items required by Section 479.07(3)(b), Florida Statutes. For existing signs, the written statement required by Section 479.07(3)(b), Florida Statutes, shall be any written document from the appropriate local governmental official indicating compliance with local requirements as of the date of the permit application. A previously issued building permit shall be accepted as the statement from an appropriate local governmental official, except in cases where the local government has provided notice to the sign owner that the sign is illegal or has undertaken action to cause the sign to be removed. When a building permit is submitted as the statement

of the local government, the applicant shall certify in writing that the local government has not provided notice that the sign is illegal, and that the local government has taken no action to cause the sign to be removed.

(4) through (5) No change.

(6) Posting of Tags. The permanent metal permit tag issued by the Department must be posted by the permittee at the sign site within 30 calendar days of issuance, and must remain in place at all times, whether or not a sign has been erected. If a permit tag is lost, stolen, or destroyed, the permittee must apply to the Department for a replacement tag on Outdoor Advertising Permit Tag Replacement Request, Form 575-070-01, Rev. 10/06 ~~07/04~~, incorporated herein by reference, and shall include a replacement fee of \$3.00 per tag. Form 575-070-01 may be obtained from the address listed in Rule subsection 14-10.003(2), F.A.C.

(7) Transfer of Permits. Authorization to transfer a permit shall be submitted on Outdoor Advertising Permit Transfer Request, Form 575-070-25, Rev. 10/06 ~~07/04~~, incorporated herein by reference, to the State Outdoor Advertising License and Permit Office at the address listed in Rule subsection 14-10.003(2), F.A.C. The request shall be made in accordance with Section 479.07(6), Florida Statutes. Form 575-070-25 may be obtained from the address listed in Rule subsection 14-10.003(2), F.A.C.

(a) through (d) No change.

(8) Cancellation of Permits. Permit cancellation notification must be submitted to the State Outdoor Advertising License and Permit Office at the address listed in subsection 14-10.003(2), on Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 10/06 ~~07/04~~, incorporated herein by reference. All canceled tags must be returned to the Department with the certification, or otherwise be accounted for in writing. Pursuant to Section 479.07(8)(b), Florida Statutes, if the sign has not been removed by the former permittee, it shall be removed by the Department and the cost assessed against the former permittee.

(9) through (12)(b) No change.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 215.34, 334.044(28), 339.05, 479.01(14), 479.02, 479.04, 479.07, 479.106(5), 479.24 FS. History—(Formerly part of Rule 14-10.04, Permits; 14-15.05, Right of Way Bureau Operating Procedures), New 3-28-76, Amended 4-21-77, 12-10-77, 6-26-78, 12-31-78, 1-1-86, Formerly 14-10.04, Amended 7-7-92, 6-28-98, 8-10-99, 8-19-01, 1-25-04, 3-15-05,_____.

14-10.006 Additional Permitting Criteria.

Each application for an outdoor advertising sign permit shall meet the requirements of Sections 479.07(9) and 479.11, Florida Statutes. In addition, an application must comply with the requirements of the agreement between the state and the United States Department of Transportation referenced in Section 479.02(1), Florida Statutes, which have not been

duplicated in Sections 479.07(9) and 479.11, Florida Statutes, or superseded by stricter provisions in those statutes. The requirements are:

(1) through (3) No change.

(4) Spacing. The minimum required distance between the location for which a permit is sought and the nearest permitted sign shall be measured along the edge of pavement of the main-traveled way from the location marked by the applicant in accordance with Rule 14-10.004, F.A.C., to the location of the permitted sign. In the case of a permitted sign that has not been constructed, the milepost location reflected on the application shall be used as the location of the permitted sign. Measurement along the edge of pavement shall be based on the point perpendicular to a tangent to the edge of the main-traveled way nearest the location of the sign.

(a) through (d) No change.

(e) ~~When in situations where a sign or a proposed sign is located within the controlled area and visible from any portion of the main-traveled way the controlled area~~ of more than one highway subject to the jurisdiction of the Department, pursuant to Section 479.07(1), Florida Statutes, the sign must meet the permitting requirements of both highways, and if it meets the applicable permitting requirements, be permitted to, the highway with the more stringent permitting requirements.

(5) through (8) No change.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 339.05, 479.02, 479.07(9), 479.08, 479.11 FS. History—New 3-28-77, Amended 12-10-77, 1-1-86, Formerly 14-10.06, Amended 12-26-95, 6-28-98, 8-19-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kenneth Towcimak, Director, Office of Right of Way

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Denver J. Stutler, Jr., P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 18, 2006

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE CHAPTER NO.: RULE CHAPTER TITLE:

15A-9 Breath Alcohol Ignition Interlock
Devices

RULE NOS.: RULE TITLES:

15A-9.001 Authority

15A-9.002 Purpose

15A-9.003 Definitions

15A-9.004 When Ignition Interlock Devices are
Required

15A-9.0041 Medical Considerations

15A-9.005 Specifications

15A-9.006 Procedure for Ignition Interlock

Device Approval

15A-9.007 Certification

15A-9.008 Installation and De-installation

15A-9.009 Servicing

15A-9.010 Monitoring

15A-9.011 Warning Label

15A-9.012 Liability

15A-9.013 Auditing of Administrative Offices
and Service Providers

15A-9.014 Forms

PURPOSE AND EFFECT: The 2002 Legislature amended Section 316.193, F.S., to require the ignition interlock device to be installed on the vehicles used by certain persons convicted of driving under the influence (DUI). The purpose of the proposed rule action is to establish a process to review cases in which drivers with documented medical issues are unable to utilize the ignition interlock device at the designated setting.

SUMMARY: The proposed rule action allows for the review of cases in which drivers with documented medical issues are unable to utilize the ignition interlock device. The proposed rule allows for consideration of a reduction in the allowable minimum breath sample for convicted persons unable to provide an adequate breath sample at the standard setting, and provides conditions for the license reinstatement of convicted persons that are otherwise incapable of properly operating the ignition interlock device.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The costs of the rule actions to the agency will be those normally associated with the administrative processing of rulemaking activity. The proposed rule action will have minimal impact on small entities.

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: 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., and Federal Register Vol. 57, No. 67, pages 11772-11787.

LAW IMPLEMENTED: 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., and Federal Register Vol. 57, No. 67, pages 11772-11787.

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: Barbara Lauer, Bureau of Driver Education and DUI Programs, Division of Drivers Licenses, Department of Highway Safety and Motor Vehicles, Room B211, Neil Kirkman Building, Tallahassee, Florida 32399-0571, (850)617-2505

THE FULL TEXT OF THE PROPOSED RULES IS:

15A-9.001 Authority.

This chapter is promulgated pursuant to Sections 316.193, 316.1937, ~~and~~ 316.1938, 322.2715, and 322.16, Florida Statutes.

Specific Authority 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended 1-20-04,_____.

15A-9.002 Purpose.

The purpose of this chapter is to establish guidelines for certification and installation of Breath Alcohol Ignition Interlock Devices and implementing the use of such devices as required by Sections 316.193, 316.1937, ~~and~~ 316.1938, 322.2715, and 322.16, Florida Statutes.

Specific Authority 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended 1-20-04,_____.

15A-9.003 Definitions.

(1) through (2) No change.

(3) Breath sample. The volume of breath to be exhaled by the convicted person for the accurate operation of the Ignition Interlock Device. This will be 1.5 litres of breath volume per blow into the device.

(4)(3) Breath test. An analysis of the breath alcohol concentration of a deep lung breath sample.

(5)(4) Calibration. The process which ensures an accurate alcohol concentration reading on an ignition interlock device.

(6)(5) Certification. The testing and approval process required by the Department of Highway Safety and Motor Vehicles.

(7)(6) Convicted person. The person required by the court or the department to drive only motor vehicles that have certified ignition interlock devices installed.

(8)(7) Deep lung breath sample. Also called “alveolar breath sample.” An air sample which is the last portion of a prolonged, uninterrupted exhalation and which gives a quantitative measurement of alcohol concentration from which breath alcohol concentrations can be determined. “Alveolar” refers to the aveoli, which are the smallest air passages in the lungs, surrounded by capillary blood vessels and through which an interchange of gases occurs during respiration.

(9)(8) Department. The Department of Highway Safety and Motor Vehicles.

(10)(9) Device. A breath alcohol ignition interlock device.

(11)(10) Emergency bypass. A one-time event, authorized by a service provider, that permits the ignition interlock device-equipped motor vehicle to be started without the requirement of passing the breath test.

(12)(11) Fail point. A preset or predetermined breath alcohol level, defined in Section 316.1937, Florida Statutes.

(13)(12) Free restart. The ability to start the engine again within three (3) minutes without completion of another breath test, when the condition exists where a breath test is successfully completed and the motor vehicle is started, but then the engine stops for any reason (including stalling).

(14)(13) Ignition interlock device. A breath alcohol analyzer connected to a motor vehicle’s ignition. In order to start the motor vehicle engine, a convicted person must blow a deep lung breath sample into the analyzer, which measures the breath alcohol concentration. If the breath alcohol concentration exceeds the fail point on the ignition interlock device, the motor vehicle engine will not start.

(15)(14) Lockout. The ability of the ignition interlock device to prevent a motor vehicle’s engine from starting.

(16)(15) Manufacturer. The actual producer of the ignition interlock device who assembles the product and who may provide distribution and services.

(17)(16) Motor vehicle. Any self-propelled motor vehicle not operated upon rails or guideway, but not including any motorcycle, bicycle, motorized scooter, electric personal assistive mobility device, or moped.

(18)(17) Permanent lockout. A feature of the ignition interlock device in which a motor vehicle will not start until the ignition interlock device is reset by a service provider.

(19)(18) Retest. An additional chance to provide a deep lung breath sample below the alcohol fail point.

(20)(19) Rolling retest. Additional deep lung breath samples required while the motor vehicle is in operation.

(21)(20) Service provider. The retail supplier of the approved ignition interlock devices.

(22)(21) Tampering. An unlawful act or attempt to disable or circumvent the legal operation of the ignition interlock device.

(23)(22) Temporary lockout. A feature of the ignition interlock device which will not allow the motor vehicle to start for time periods specified in Rule 15A-9.005, Florida Administrative Code, after a breath test result indicating a BrAC above the fail point.

(24)(23) Violation. An event, such as two (2) breath tests above the fail point upon initial startup, a refusal to provide a rolling retest deep lung breath sample, a rolling retest above the fail point, or tampering, which breaches the guidelines for use of the ignition interlock device.

(25)(24) Violation reset. A feature of the ignition interlock device in which a service reminder is activated due to a violation.

Specific Authority 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended 1-20-04,_____.

15A-9.004 When Ignition Interlock Devices are Required.

Specific Authority 316.193, 316.1937, 316.1938, 322.271, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.16, 322.271, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History–New 10-12-92, Amended 1-20-04.

15A-9.0041 Medical Considerations.

(1) In consideration of a medical condition, a minimum breath sample of 1.0 litres of breath volume per blow may be considered, if the convicted person is certified by a licensed pulmonologist to have a lung condition which will render the convicted person incapable of blowing a breath sample into an ignition interlock device, after appropriate review by the Medical Review Board of such medical condition and certification.

(2) When a medical condition exists in the convicted person which makes such person incapable of properly operating the ignition interlock device, the convicted person may submit a medical report from an appropriate specialist to the Medical Review Board who shall review and issue a finding of the medical incapacity. Pursuant to the authority under Section 322.2715, F.S., the use of the ignition interlock requirement may be waived or modified.

(a) If a medical waiver has been approved for a convicted person seeking a hardship license, the convicted person shall not be entitled to a hardship license until the required installation period of the ignition interlock device prescribed in Section 322.2715, F.S. expires, in addition to the time requirements outlined in Section 322.271, F.S.

(b) If a medical waiver has been approved for a convicted person seeking permanent reinstatement of the driver's license, the convicted person will not be entitled to such reinstatement until the required installation period of the ignition interlock device prescribed in Section 322.2715, F.S. expires.

Specific Authority 316.193, 316.1937, 316.1938, 322.271, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.16, 322.271, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History–New _____.

15A-9.005 Specifications.

Specific Authority 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History–New 10-12-92, Amended 1-20-04.

15A-9.006 Procedure for Ignition Interlock Device Approval.

Specific Authority 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History–New 10-12-92, Amended 1-20-04.

15A-9.007 Certification.

Specific Authority 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History–New 10-12-92, Amended 1-20-04.

15A-9.008 Installation and De-installation.

Specific Authority 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History–New 10-12-92, 1-20-04.

15A-9.009 Servicing.

Specific Authority 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History–New 10-12-92, Amended 1-20-04.

15A-9.010 Monitoring.

Specific Authority 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.292, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History–New 10-12-92, Amended 1-20-04.

15A-9.011 Warning Label.

Specific Authority 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History–New 10-12-92, Amended 1-20-04.

15A-9.012 Liability.

Specific Authority 316.1938 FS., Federal Register Vol. 57, No. 67, page 11772. Law Implemented 316.1938 FS., Federal Register Vol. 57, No. 67, page 11772. History–New 10-12-92.

15A-9.013 Auditing of Administrative Offices and Service Providers.

Specific Authority 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History–New 10-12-92, Amended 1-20-04.

15A-9.014 Forms.

Specific Authority 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.2715, 322.16 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History–New 10-12-92, Amended 1-20-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbara Lauer, Bureau of Driver Education and DUI Programs,
Division of Drivers Licenses, Department of Highway Safety
and Motor Vehicles, Room B211, Neil Kirkman Building,
Tallahassee, Florida 32399-0571, (850)617-2505

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Sandra C. Lambert, Director,
Division of Drivers Licenses

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 15, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 6, 2006

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

DOCKET NO. 050108-OT

RULE NOS.:	RULE TITLES:
25-22.0021	Agenda Conference Participation
25-22.0022	Oral Argument Rule
25-22.029	Point Entry Into Proposed Agency Action Proceedings
25-22.0376	Reconsideration of Non-Final Orders
25-22.058	Oral Argument.
25-22.060	Motion for Reconsideration of Final Orders

PURPOSE AND EFFECT: The purpose of the proposed rules
are to clarify when and how participation at agenda
conferences will proceed and to clarify when a motion for oral
argument must be filed. The proposed rules also allow filing of
a cross-petition following a protest of Commission proposed
agency action.

SUMMARY: These rules clearly delineate the Commission's
practice regarding participation in Commission proceedings.
The rules explain when informal participation is allowed, and
when a motion for oral argument must be filed. The rules
consolidate a number of existing provisions into one location,
and delete those provisions where they are presently located. A
new section is added to allow the filing of a cross-petition
when a protest of proposed agency action is filed.

**SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST:** No statement of 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: 120.54(5)(a)3., 350.01(7),
350.127(2) FS.

LAW IMPLEMENTED: 120.80(13)(b), 120.525, 120.569,
120.57, 364.05, 366.06, 367.081, 367.0817(4)(a), 367.0817
FS.

**WRITTEN COMMENTS OR SUGGESTIONS ON THE
PROPOSED RULES MAY BE SUBMITTED TO THE FPSC,
DIVISION OF THE COMMISSION CLERK AND
ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE
DATE OF THIS NOTICE FOR INCLUSION IN THE
RECORD OF THE PROCEEDING.**

**NO HEARING WILL BE HELD BECAUSE THIS RULE
RELATES EXCLUSIVELY TO THE COMMISSION'S
ORGANIZATION, PROCEDURE, OR PRACTICE.**

**THE PERSON TO BE CONTACTED REGARDING THESE
PROPOSED RULES IS:** Larry Harris, Office of the General
Counsel, Florida Public Service Commission, 2540 Shumard
Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6076

THE FULL TEXT OF THESE PROPOSED RULES IS:

25-22.0021 Agenda Conference Participation.

(1) Participation at agenda conferences may be informal or
by oral argument. The Commission determines when and
whether participation is allowed in accordance with this rule.
The notice for each agenda conference contains a list of items
to be discussed, and identifies the type of participation
allowed. The notice is available in hard copy or on the
Commission's internet site, www.psc.state.fl.us/agendas, at
least seven days before the agenda conference.

(2) Any person who may be affected by an item set for
agenda conference will be allowed to address the Commission
informally concerning that item when it is taken up for
discussion, except as provided in subsections (3)-(8), below. To
participate informally, affected persons need only appear at the
agenda conference and request the opportunity to address the
Commission on an item listed on the agenda.

(3) Informal participation is not permitted on dispositive
motions and motions for reconsideration. Participation on such
items is governed by Rule 25-22.022, F.A.C.

(4) Informal participation is not permitted when a
recommended order is taken up by the Commission. For
purposes of this rule and Rule 25-22.022, F.A.C., a
recommended order is one prepared by an administrative law
judge at the Division of Administrative Hearings, or by a
Commissioner appointed by the Chair to conduct a hearing
pursuant to Section 350.01(7), Florida Statutes. Participation
on such items is governed by Rule 25-22.022, F.A.C.

(5) Informal participation is not permitted in a rulemaking
proceeding after the record has been closed.

(6) Informal participation, except by non-testifying staff, is not permitted when the Commission considers a post-hearing recommendation on the merits of a case after the close of the record.

(7) In certain types of cases in which the Commission issues an order based on a given set of facts without hearing, such as declaratory statements and interim rate orders, the Commission allows informal participation at its discretion.

(8) The Commission reserves the discretion to limit or restrict informal participation as needed to ensure the orderly disposition of matters before it. In limiting or restricting informal participation the Commission will consider such things as the number of persons who wish to address the Commission on an item, the number of items to be taken up at the agenda conference, the procedural status of the docket to which the item pertains, and the complexity of the issues addressed in an item.

(9) Nothing in this rule shall preclude the Commission from making decisions during the course of or at the conclusion of a hearing.

(1) Persons who may be affected by Commission action on certain items on the agenda for which a hearing has not been held (other than actions on interim rates in file and suspend rate cases and declaratory statements) will be allowed to address the Commission concerning those items when taken up for discussion at the conference.

(2) When a recommendation is presented and considered in a proceeding where a hearing has been held, no person other than staff who did not testify at the hearing and the Commissioners may participate at the agenda conference. Oral or written presentation by any other person, whether by way of objection, comment, or otherwise, is not permitted, unless the Commission is considering new matters related to but not addressed at the hearing.

(3) Nothing in this rule shall preclude the Commission from making decisions during the course of or at the conclusion of a hearing.

Specific Authority 350.01(7), 350.127(2) FS. Law Implemented 120.525 FS. History–New 3-23-93, Amended _____.

25-22.0022 Oral Argument Rule.

(1) Oral argument must be sought by separate written request filed concurrently with the motion on which argument is requested, or no later than 10 days after exceptions to a recommended order are filed. Failure to timely file a request for oral argument shall constitute waiver thereof. Failure to timely file a response to the request for oral argument waives the opportunity to object to oral argument. The request for oral argument shall state with particularity why oral argument would aid the Commissioners, the Prehearing Officer, or the Commissioner appointed by the Chair to conduct a hearing in understanding and evaluating the issues to be decided, and the amount of time requested for oral argument.

(2) The Commission may request oral argument on matters over which it presides. The Prehearing Officer may request oral argument on matters over which he or she presides. The parties will be notified directly when oral argument is scheduled.

(3) Granting or denying a request for oral argument is within the sole discretion of the Commission or the Prehearing Officer whichever presides over the matter to be argued.

(4) The staff attorney assigned to the docket may participate in any oral argument on that docket.

(5) Oral argument will not be entertained on a post-hearing recommendation on the merits of the case. However, when the Commission votes on a recommended order requests for oral argument will be entertained.

(6) Oral argument will not be entertained on a request for oral argument.

(7) Oral argument at an agenda conference.

(a) Oral argument at agenda conference will only be entertained for recommended orders and dispositive motions, such as motions to dismiss, motions for summary final order, and motions for reconsideration of non-final or final orders. Only parties to the docket and the staff attorney may participate in the oral argument.

(b) The Commission can request oral argument on any issue to be decided by a dispositive motion or recommended order. The listing of the dispositive motion or recommended order on the notice of the agenda conference shall serve as notice to the parties to be prepared for oral argument on all issues associated with the dispositive motion or recommended order on the agenda, even if a request for oral argument has not been made by a party, or if a request made by a party pertains to a limited number of issues. Notice of the agenda conference can be found at www.psc.state.fl.us/agendas, as explained in subsection 25-22.0021(1), F.A.C.

(c) If a request for oral argument filed by a party is scheduled to be taken up at an agenda conference, and the request is granted at that time, the oral argument will occur at that agenda conference. At the agenda conference where the request is taken up, parties should be prepared to proceed with oral argument on all issues pertaining to the dispositive motion or recommended order, whether raised in the request for oral argument or not. Notice that such a request will be taken up is provided at www.psc.state.fl.us/agendas, as explained in subsection 25-22.0021(1), F.A.C.

(d) This rule does not restrict the scheduling of oral arguments to agenda conferences. Oral arguments can be scheduled at any time, in which case the parties will be directly notified of the time and place.

Specific Authority 350.01(7), 350.127(2) FS. Law Implemented 120.525 FS. History–New _____.

25-22.029 Point of Entry Into Proposed Agency Action Proceedings.

(1) After agenda conference, the Division of the Commission Clerk and Administrative Services shall issue written notice of the proposed agency action (PAA), advising all parties of record that, except for PAA orders establishing a price index pursuant to Section 367.081(4)(a), Florida Statutes, they have 21 days after issuance of the notice in which to file a request for a Section 120.569 or 120.57, Florida Statutes, hearing. For PAA orders establishing a price index pursuant to Section 367.081(4)(a), Florida Statutes, ~~The time for requesting a Section 120.569 or 120.57, Florida Statutes, hearing shall be 14 days from issuance of the notice for PAA orders establishing a price index pursuant to Section 367.081(4)(a), Florida Statutes.~~ The Commission will require a utility to serve written notice of the PAA on its customers if the Commission finds that it is necessary in order to afford adequate notice.

(2) The Commission will require a utility to publish notice of the decision in newspapers of general circulation in its service area if the Commission finds that it is necessary in order to afford adequate notice. ~~Any such publication may be used in establishing the date of receiving notice.~~

(3) One whose substantial interests may or will be affected by the Commission's proposed action may file a petition for a Section 120.569 or 120.57, Florida Statutes, hearing, in the form provided by Rule 28-106.201, F.A.C. Any such petition shall be filed within the time stated in the notice issued pursuant to subsection (1) of this rule, and shall identify the particular issues in the proposed action that are in dispute. Within 10 days of service of the initial petition, any other person substantially affected by the proposed agency action or Commission staff may file a cross-petition identifying additional particular issues on which a hearing is requested. Issues in the proposed action that are not identified in the petition or a cross-petition shall be deemed stipulated.

(4) The Commission will not entertain a motion for reconsideration of a notice of proposed agency action.

Specific Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57, 364.05, 366.06, 367.081, 367.0817(4)(a), 367.0817, 120.80(13)(b) FS. History--New 12-21-81, Formerly 25-22.29, Amended 7-8-92, 5-3-99, _____.

25-22.0376 Reconsideration of Non-Final Orders.

(1) through (4) No change.

(5) The Commission will not entertain a motion for reconsideration of a notice of proposed agency action. Oral argument on any motion filed pursuant to this rule may be granted at the discretion of the Commission. A party who fails to file a written response to a point on reconsideration shall be precluded from responding to that point during oral argument.

Specific Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57 FS. History--New 9-3-95, Amended 7-11-96, _____.

25-22.058 Oral Argument.

Specific Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57 FS. History--New 12-21-81, Formerly 25-22.58, Amended 3-23-93, Repealed.

25-22.060 Motion for Reconsideration of Final Orders.

(1) Scope and General Provisions.

(a) Any party to a proceeding who is adversely affected by an order of the Commission may file a motion for reconsideration of that order. The Commission will not entertain any motion for reconsideration of any order that which ~~disposes of a motion for reconsideration. The Commission will not entertain a motion for reconsideration of a Notice of Proposed Agency Action issued pursuant to Rule 25-22.029, F.A.C., regardless of the form of the Notice and regardless of whether or not the proposed action has become effective under subsection 25-22.029(6), F.A.C.~~

(b) through (d) No change.

(e) A motion for reconsideration of an order adopting, repealing, or amending a rule shall be treated by the Commission as a petition to adopt, repeal, or amend a rule under Section 120.54(7)(5), Florida Statutes and Rule 28-103.006 ~~25-22.042~~, F.A.C.

~~(f) Oral argument on any pleading filed under this rule shall be granted solely at the discretion of the Commission. A party who fails to file a written response to a point on reconsideration is precluded from responding to that point during the oral argument.~~

(2) through (3) No change.

Specific Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57 FS. History--New 12-21-81, Amended 10-4-84, Formerly 25-22.60, Amended 7-11-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Larry Harris

NAME OF SUPERVISOR OR PERSONS WHO APPROVED

THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: March 24, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: Vol. 30, No. 34, August 20, 2004

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the hearing. Any

person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

PUBLIC SERVICE COMMISSION

DOCKET NO. 050108-OT

RULE NO.: 25-40.001
 RULE TITLE: Exceptions to the Uniform Rules of Procedure

PURPOSE AND EFFECT: To revise the list of Commission rules that are exceptions from the Uniform Rules of Procedure.

SUMMARY: Rule 25-40.001, F.A.C., Exceptions to the Uniform Rules of Procedure, is being amended to reflect the new exception for Rule 25-22.0022, F.A.C., Oral Argument, and to reflect the repeal of an existing exception, Rule 25-22.058, F.A.C., Oral Argument.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of 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: 120.54(5)(a)3. FS.

LAW IMPLEMENTED: 120.54(5)(a)3. FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

NO HEARING WILL BE HELD BECAUSE THIS RULE RELATES EXCLUSIVELY TO THE COMMISSION'S ORGANIZATION, PROCEDURE, OR PRACTICE.

THE PERSON TO BE CONTACTED REGARDING THESE PROPOSED RULE IS: Larry Harris, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6076

THE FULL TEXT OF THESE PROPOSED RULE IS:

25-40.001 Exceptions to the Uniform Rules of Procedure. The following provisions of the Commission's rules are exceptions to the uniform rules of procedure:

UNIFORM RULE	COMMISSION	RULE
CHAPTER 28-102	THAT IS AN EXCEPTION	
AGENDA AND SCHEDULING	25-22.0021	
OF MEETINGS AND	Agenda	Conference
WORKSHOPS	Participation.	

CHAPTER 28-102 – AGENDA
 AND SCHEDULING OF
 MEETINGS AND WORKSHOPS
 AND CHAPTER 28-106 –
 DECISIONS DETERMINING
 SUBSTANTIAL INTERESTS

28-102.001 Notice of Public Meeting,
 Hearing, or Workshop.
 28-102.002(2) Agenda of Meetings, Hearings,
 and Workshops.

CHAPTER 28-103

RULEMAKING

CHAPTER 28-106

DECISIONS DETERMINING
 SUBSTANTIAL INTERESTS

25-22.0022

Oral Argument Rule

25-22.001 Notice of Meeting or
 Workshop.
 25-22.002 Agenda of Meetings.

25-22.017 Rulemaking Proceeding –
 Adoption
 25-22.006 Confidential information

25-22.029 Point of Entry into Proposed
 Agency Action Proceedings.
 25-22.0376 Reconsideration of Non-Final
 Orders.

25-22.0406(7)-(8) Notice and Public
 Information on General Rate
 Increase Requests by
 Electric, Gas and Telephone
 Companies

25-22.0407(8) and (10) Notice of and Pubic
 Information for General Rate
 Increase Requests by Water
 and Wastewater Utilities.

~~25-22.058~~

~~Oral Argument~~

25-22.060 Motion for Reconsideration
 25-22.028 Filing, Number of Copies

25-22.039 Intervention.

25-22.029 Point of entry into PAA
 Proceeding.

25-22.0405 Notices of Hearing

25-22.045 Subpoenas
 25-22.075 Transmission Line
 Permitting Proceedings.
 25-22.080 Electrical Power
 Plant Permitting Proceedings.

28-106.104

Filing

28-106.205

Intervention

28-106.208

Notice of Hearing

28-106.212

Subpoenas

CHAPTER 28-107 LICENSING

Specific Authority 120.54(5)(a)3. FS. Law Implemented
 120.54(5)(a)3. FS. History–New 4-28-99, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Larry Harris

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: March 24, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: Vol. 30, No. 34, August 20, 2004

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40D-1 Procedural

RULE NO.: RULE TITLE:

40D-1.607 Permit Processing Fee

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments is to clarify that activities requiring permits from the District and for which the District may charge a permit application fee include impacts to other surface waters pursuant to Part IV of Chapter 373, F.S. Further, the amendments will waive the application fee for Petitions for Formal Wetland Determinations when a petition that has been denied or withdrawn is resubmitted within 12 months, and the petition is substantially similar to the denied or withdrawn petition.

SUMMARY: The amendment of Rule 40D-1.607, F.A.C., revises the permit application processing fees for Environmental Resource Permits to more accurately reflect statutory language and creates a fee waiver for certain Petitions for Formal Wetland Determinations.

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: 373.109, 373.421(2) 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-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to be exempt or the fee submitted is determined by the District to be incorrect. Failure to pay the application fees established herein is grounds for the denial of an application or revocation of a permit. The District's permit application processing fees are as follows:

(1) Environmental Resource or Management and Storage of Surface Waters Permit Applications.

(a) The fee for a permit application for activities reviewed pursuant to Chapters 40D-4, 40D-40, and 40D-400, F.A.C., are as follows:

1. through 9. No change

10. Application for General Permit for an activity which has less than 10 acres of project area and impacts 5,000 square feet or less of wetlands or other surface waters.....\$800.00

11. Application for permit modification for an activity which has less than 10 acres of project area and impacts 5,000 square feet or less of wetlands or other surface waters . \$400.00

12. through 14. No change.

(b) through (c) No change.

(2) through (5) No change.

(6) Petition for Formal Determination of Wetlands and other Surface Waters ~~for~~.

(a) The fees for Petitions for Formal Determination of Wetlands and Other Surface Waters are as follows, for:

1. property less than or equal to 1 acre.....\$250.00

2.(b) property greater than 1 acre but less than or equal to 10 acres.....\$550.00

3.~~(e)~~ property greater than 10 acres but less than or equal to 40 acres.....\$750.00

4.~~(d)~~ property greater than 40 acres but less than or equal to 120 acres.....\$1500.00

5.~~(e)~~ property greater than 120 acres\$1500.00

(i)~~2~~ for each additional 100 acres or portion thereof\$200.00

6.~~(f)~~ renewal of formal wetland determinations.....\$250.00

(b) ~~F~~for the validation of informal, non-binding wetland determinations pursuant to Section 373.421(6), F.S., the fees shall be the same as formal determinations listed above.

(c) Any resubmittal of a petition for formal determination of wetlands and other surface waters that was denied or withdrawn within the preceding twelve months, provided it is substantially similar to the denied or withdrawn petition, is exempt from the fees identified in paragraph (a).

(7) through (11) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2) FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-88, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00 3-15-01, 9-26-02, 8-7-03, 6-5-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2006

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

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-4.021 Definitions

PURPOSE AND EFFECT: The purpose of the proposed rule revisions is to revise the definitions of General and Individual Environmental Resource Permits to accurately reflect that District staff is no longer delegated the authority to deny General Environmental Resource Permit applications.

SUMMARY: The proposed rule amendments will remove language in the definition of General Environmental Resource Permits that indicates District staff is responsible for denying applications for such 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, 373.118, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.403, 373.413 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-4.021 Definitions.

When used in this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) through (8) No change.

(9) "General Permit" means a ~~an~~ General Environmental Resource Permit, as described in Chapters 40D-4 and 40D-40, F.A.C that may be issued or denied by District staff.

(10) "Individual Permit" means an Individual Environmental Resource Permit, as described in Chapter 40D-4, F.A.C issued by the District Governing Board.

(11) No change.

(12) "Noticed General Permit" means a ~~an~~ Noticed General Environmental Resource Permit, as described in Chapters 40D-4 and 40D-400, F.A.C that may be issued or denied by District staff.

(13) through (22) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.403, 373.413 FS. History—Readopted 10-5-74, Formerly 16J-4.02, Amended 10-1-84, 3-1-88, 9-11-88, 10-3-95, 7-23-96, 2-27-02, 9-26-02, 2-19-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 29, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 13, 2006

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-4.091 Publications and Agreements
Incorporated by Reference

PURPOSE, EFFECT AND SUMMARY: The purpose and effect of the proposed revisions is to incorporate into the District's rules a revised and updated operating agreement between the District and the Department of Environmental Protection (DEP) regarding the division of responsibility for evaluating activities that require a permit under Part IV, Chapter 373, Florida Statutes (F.S.).

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, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 272.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 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-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) No change.

(2) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., and ~~Aquaculture General Permits Under Section 403.814, F.S., Between Southwest Florida~~

Water Management District and Department of Environmental Protection, dated _____ ~~October 27, 1998~~. This document is available from the District upon request.

(3) through (5) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 272.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2006

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:

59G-4.100

RULE TITLE:

Federally Qualified Health Center
Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Federally Qualified Health Center Services Coverage and Limitations Handbook, January 2007. The revised handbook contains updated policies for the services that are provided by federally qualified health centers. The effect will be to incorporate by reference in the rule the Florida Medicaid Federally Qualified Health Center Services Coverage and Limitations Handbook, January 2007.

In the Notice of Rule Development that was published in Vol. 32, No. 15, April 14, 2006, we stated that the Florida Medicaid Federally Qualified Health Center Services Coverage and Limitations Handbook was effective March 2006. We changed the effective date to January 2007.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule the Florida Medicaid Federally Qualified Health Center Services Coverage and Limitations Handbook, January 2007.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of 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: 409.905, 409.906, 409.908, 409.9081 FS.

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

DATE AND TIME: Monday, November 27, 2006, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Glen Davis, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7305

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.100 Federally Qualified Health Center Services.

(1) No change.

(2) All federally qualified health center services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Federally Qualified Health Center Services Coverage and Limitations Handbook, January 2007 ~~October 2003~~, 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> ~~agent~~. 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 409.905, 409.906, 409.908, 409.9081 FS. History—New 6-27-93, Formerly 10P-4.100, Amended 4-16-95, 5-28-96, 6-24-98, 12-31-01, 11-17-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Glen Davis

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2006

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:

RULE TITLE:

59G-4.230

Physician Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference update March 2007 to the Florida Medicaid Physician Services Coverage and Limitations Handbook. The handbook was revised to include the Medicaid Hospitalist Program policies. The Medicaid Hospitalist Program is being implemented in Miami-Dade and Palm Beach counties. The effect will be to incorporate by reference in rule update March 2007 to Florida Medicaid Physician Services Coverage and Limitations Handbook.

In the Notice of Rule Development published in the Vol. 32, No. 29, July 21, 2006 issue of the Florida Administrative Weekly, we stated that the Florida Medicaid Physician Services Coverage and Limitations Handbook update was effective September 2006. We changed the effective date to March 2007.

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

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of 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: 409.905, 409.907, 409.908, 409.9081 FS.

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

DATE AND TIME: Monday, November 27, 2006, 1:00 p.m.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.230 Physician Services.

(1) No change.

(2) All physician services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Services Coverage and Limitations

Handbook, January 2004, updated January 2005-1, January 2005-2, ~~and~~ September 2006, and March 2007, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at 1(800)377-8216.

(3) No change.

(4) No change.

(5) The following forms that are included in Chapter 5 of the Florida Medicaid Physician Services Coverage and Limitations Handbook are incorporated by reference: Hospitalist Enrollment Notification Letter, AHCA Med Serv Form 010, March 2007, one page; and Hospitalist Enrollment Notification Letter, AHCA Med Serv Form 010-Spanish, March 2007, 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, 8-3-04, 8-18-05, 8-31-05, 10-26-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Diane Weller

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 21, 2006

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE CHAPTER NO.: RULE CHAPTER TITLE:

60L-39 Florida State Employees' Charitable Campaign

RULE NOS.: RULE TITLES:

60L-39.001 Scope and Purpose

60L-39.0015 Definitions

60L-39.002 General Requirements

60L-39.003 Statewide Steering Committee

60L-39.004 Eligibility Criteria for Participation by Charitable Organizations

60L-39.005 Application Procedures

60L-39.006 Duties and Responsibilities of the Fiscal Agent

PURPOSE AND EFFECT: To amend the rules regarding the Florida State Employees' Charitable Campaign to eliminate

unnecessary paperwork and questions from the application process, and clarify the duties and responsibilities of the steering committee and the fiscal agent.

SUMMARY: The amendments add definitions applicable to the Rule Chapter. The amendments eliminate unnecessary paperwork by amending Form DMS-ADM-100, Application for Participation in the Florida State Employees' Charitable Campaign and eliminating Form DMS-ADM-101, Renewing Organization Application for Participation in the Florida State Employees' Charitable Campaign. The amendments clarify the duties and responsibilities of the steering committee and the fiscal agent. In response to recent legislation regarding direct services in a local fiscal agent's area, the amendments create Form DMS-ADM-102, Direct Local Services Certification Form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of 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: 110.181(3)(a) FS.

LAW IMPLEMENTED: 110.181 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Kuczwanski, Chairman, Florida State Employees' Charitable Campaign, Department of Management Services, 4050 Esplanade Way, Suite 280, Tallahassee, Florida 32399-0950, (850)413-7448

THE FULL TEXT OF THE PROPOSED RULES IS:

60L-39.001 Scope and Purpose.

This chapter sets forth the rules governing the Florida State Employees' Charitable Campaign (FSECC or "the Campaign").

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History--New 1-1-02, Amended_____.

60L-39.0015 Definitions.

(1) The following definitions apply to this Rule Chapter:

(a) Activities. The specific pursuit of actions by the organization in terms of the services provided through its charitable work. This phrase does not refer to internal structure or membership of the organization.

(b) Activities are primarily. The chief, principal, or main specific pursuit of actions by the organization in terms of the services provided through its charitable work. This phrase does not refer to internal structure or membership of the organization.

(c) Area Fiscal Agent. Charitable, nonprofit organizations participating in the FSECC which are responsible for managing the Campaign and for receiving, accounting for, and distributing charitable contributions among participating charitable organizations and federations.

(d) Campaign. The Florida State Employees Charitable Campaign, as set forth in Section 110.181, Florida Statutes, and Rule Chapter 60L-39, Florida Administrative Code.

(e) Charitable Organizations. Nonprofit organizations meeting the criteria of Rule 60L-39.004, F.A.C. and Section 110.181, Florida Statutes.

(f) Chairperson of the Board of Directors. An officer appointed or elected pursuant to the organization's articles of incorporation, bylaws or similar document to the organization's board of directors or similar governing body managing and directing the affairs of the organization, charged with chairing the organization's board of directors or similar governing body.

(g) Chief Operations Officer. An officer, employee or volunteer charged by the organization's board of directors or other governing body with managing the organization's charitable operations.

(h) Designated Funds. Those contributions which the contributor has designated to specific organizations or federations participating in the FSECC.

(i) Direct services. Identifiable and specific services available in the local fiscal agent's area without any intervention between the services offered and persons served.

(j) Federation. Also known as Umbrella Agency. A charitable organization with at least a two-year history of supplying common fundraising, administrative and management services to at least ten (10) local, state, national or international charitable constituent member organizations which provide human, health, welfare or environmental services.

(k) Fiscal Agent. A charitable, nonprofit organization or federation participating in the FSECC which is selected by the Department of Management Services through the competitive procurement process to provide state level coordination of the FSECC and oversee the activities of area fiscal agents.

(l) Fraternal. Relating or belonging to a fraternity or an association of persons formed for mutual aid and benefit, but not for profit; brotherly.

(m) Geographical area campaign brochure. The brochure produced by each Area Fiscal Agent containing the eligible participating organizations in the Area Fiscal Agent's geographic area.

(n) Incidentally. Activity of a minor or subordinate nature to an organization's activities.

(o) Incomplete application. An unfinished application for participation in the FSECC (Form DMS-ADM-100, Application for Participation in the Florida State Employees' Charitable Campaign). An application lacking in required parts.

(p) Independent or Unaffiliated Agency. An entity whose programs provide substantial, direct, hands-on services that meet basic human or environmental needs and extend throughout the year and throughout the state.

(q) International Service Agency. An entity with a well-defined program that spends at least 51% of its program service budget meeting basic human or environmental needs outside the United States with no duplication of existing programs.

(r) Local Steering Committee. A group of state employees selected by the area fiscal agent, which assists in coordinating the local campaign and directs the distribution of designated funds. The local steering committee shall be the representative of the state agencies in the area fiscal agent vicinity.

(s) Political Relating of or to a national or state political party or any organization, explicitly calling for or attempting to influence the election or defeat of a particular candidate or issue within a specific election and an organization engaged in lobbying as defined in Section 11.045(1)(f), Florida Statutes.

(t) Professional. Relating of or to an occupation requiring considerable training and specialized study which is subject to an association, the purpose of which is to promote a common business interest and to improve business conditions in one or more lines of business, e.g., law, medicine or engineering, not to engage in a regular business of a kind ordinarily carried on for profit.

(u) Religious. Relating to religion as practiced by any church, ecclesiastical or denominational organization with an established physical place where religious worship is regularly conducted.

(2) All other terms shall have their commonly understood meaning.

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History—New.

60L-39.002 General Requirements.

(1) The State of Florida has an interest in establishing a single state employee charitable campaign that ~~(a)~~ minimizes workplace disruption and administrative costs and ~~(b)~~ ensures the voluntary nature of employee participation.

(2) The State of Florida has an obligation to ensure that organizations participating in the FSECC meet the eligibility criteria outlined in Rule 60L-39.004, F.A.C.

(3) Truly voluntary giving is fundamental to FSECC fundraising activities. Actions that do not allow free choices, or that even create the appearance that employees are not free to choose whether to give, are contrary to FSECC fundraising policy.

(4) The FSECC shall be the only workplace charitable fundraising program in state government that receives official state coordination and support.

(5) Charitable organizations and federations shall not permit, plan, or conduct distribution of any materials, solicitation, or services within State facilities as part of the campaign, except for the campaign materials approved by the Steering Committee. Organizations and federations are encouraged, however, to publicize their activities and solicit employee participation in the FSECC through the news media or other private outlets outside State facilities.

(6) A geographical area campaign brochure shall not list both the state or national charitable organization and its local affiliate or other subunit. Similarly-named organizations shall not be listed, unless the Steering Committee determines they do not deliver services to overlapping or identical geographical areas. In cases where dual listings occur, and the organizations cannot resolve the issue themselves, the Steering Committee shall grant preference for listing in the following order: ~~(a)~~ local, ~~(b)~~ state, and then ~~(c)~~ national.

(7) Campaign brochures shall: ~~(a)~~ ~~i~~Include the words Florida State Employees' Charitable Campaign on the front cover; ~~(b)~~ ~~i~~Include the official FSECC logo on the front cover; and ~~(c)~~ ~~e~~Exclude the area fiscal agent logo and name, except as contact information within the brochure.

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History—New 1-6-02, Amended 1-9-05,_____.

60L-39.003 Statewide Steering Committee.

(1) The members of the FSECC Steering Committee shall serve staggered four-year terms.

(2) The FSECC Steering Committee shall arrange publication of information about the application process – including deadlines, address for obtaining materials, and criteria for eligibility – in sufficient time to prepare applications and supporting documentation.

(3) The FSECC Steering Committee shall review all ~~new and renewing~~ applications before June 1 on the basis of their compliance with the established criteria and their timely submission.

(4) The staff of the FSECC Steering Committee shall be responsible for a review of all applying organizations to ensure that participating organizations are not on the list of persons and entities designated under Executive Order 13224, the United States Treasury Department's "master list" of specially designated nationals and blocked persons, and the United States State Department's list of foreign terrorist organizations.

(5) The FSECC Steering Committee shall notify applicants of decisions on applications within a period that allows time for an appeal in accordance with Rule 60L-39.007, F.A.C.

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History—New 1-6-02, Amended 3-5-04, 1-9-05, 2-13-06,_____.

60L-39.004 Eligibility Criteria for Participation by Charitable Organizations.

(1) To be eligible to participate in the FSECC, an organization must satisfy the following conditions:

(a) The organization must provide programs or services that are not the result of another mission or part of any program operated by the government or any educational institution.

(b) The organization must be audited annually by an independent public accountant whose examination conforms to generally accepted accounting principles. Upon request of the Steering Committee, the organization must disclose all information dealing with fundraising activities, finances, and voting trustees, as well as any financial interest the directors, their families, or their staff might have in the organization. In addition, the organization must disclose information about professional solicitors and copies of contracts or agreements concerning fundraising activities.

(c) The organization must have an active Board of Directors that conducts regular meetings and effectively manages the affairs, funds, and property of the organization and whose members serve without compensation.

(d) The organization must have reasonable expenses for fundraising. Where administrative and fundraising expenses exceed 25%, the organization must demonstrate extraordinary circumstances that justify the expense ratio.

(e) The organization must receive a substantial portion of its financial support from voluntary contributions.

(f) No religious charitable organization providing services described in Section 110.181, Florida Statutes, shall be excluded because of its religious viewpoint.

(g) Organizations which comply with all applicable state and federal nondiscrimination laws shall be deemed in compliance with Section 110.181(h)3., Florida Statutes.

(2) To be admitted as a federation, the organization must demonstrate a two-year history of providing charitable fundraising, administrative, and management services to at least ten constituent member organizations that provide human, health, welfare or environmental services.

(3) Once approved for participation, any organization or federation may be disqualified by majority vote of the Steering Committee for:

(a) Failing to comply with the procedures contained in this chapter; or

(b) Filing an application to participate in the FSECC that contains false or intentionally misleading information.

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History--New 1-6-02, Amended.

60L-39.005 Application Procedures.

(1) Annual applications for participation in the FSECC (Form DMS-ADM-100, Application for Participation in the Florida State Employees' Charitable Campaign, effective 2-13-06, and Form DMS-ADM-101, ~~Renewing Organization Application for Participation in the Florida State Employees' Charitable Campaign, effective 2-13-06, which is~~ are hereby incorporated by reference) shall be submitted ~~as set forth in rule subsection 60L-39.005(2), F.A.C., to the Steering Committee Chair at the following address:~~

Florida State Employees' Charitable Campaign
Department of Management Services
4050 Esplanade Way, Suite ~~280245~~
Tallahassee, Florida 32399-0950

Applications must be postmarked by March ~~April~~ 1 of each year for a charitable organization to be considered eligible for that year's Campaign. A federated fundraising organization, as defined in Section 496.404(10), F.S., shall submit applications on behalf of its members. Form DMS-ADM-100 ~~and Form DMS-ADM-101~~ can be obtained by writing to:

Florida State Employees' Charitable Campaign
Department of Management Services
4050 Esplanade Way, Suite ~~280245~~
Tallahassee, Florida 32399-0950

~~(2) Applicants that did not participate in the FSECC during the previous year and all independent/unaffiliated organizations shall submit a complete application with documentation verifying compliance with eligibility outlined in Section 110.181(1), F.S., and Rule 60L-39.004, F.A.C. Form DMS-ADM-100, incorporated by reference at subsection 60L-39.005(1), F.A.C. All other applicants shall submit a complete Form DMS-ADM-101, incorporated by reference at subsection 60L-39.005(1), F.A.C.~~

~~(2)(3)~~ The Steering Committee shall request additional ~~documentation or~~ information from an applicant which has filed a completed application only if necessary for purposes of clarifying eligibility. Requested ~~documents or~~ information must be supplied within five working days of the receipt of the Committee's request.

(3) The Steering Committee shall not consider incomplete applications for inclusion in the Campaign.

(4) The Steering Committee shall not accept copies of IRS Form 990 completed after March 1 of the year in which the application (Form DMS-ADM-100, Application for Participation in the Florida State Employees' Charitable Campaign, effective) was filed. If an organization has not filed its IRS Form 990 for the most recent filing year and will not have done so until after the March 1 application deadline, then the organization must submit its latest filed IRS Form 990 from the previous filing year with its application.

~~Upon a showing of due diligence and excusable neglect by the applicant, the Steering Committee shall accept documentation filed after the April 1 filing deadline, so long as any appeal regarding the application can be concluded by June 30 to allow timely publication of authorized participating organizations in the FSECC brochures.~~

(5) Federations, on behalf of their member agencies, and all unaffiliated and independent agencies shall submit to the Statewide Steering Committee certification of direct local services provided in each fiscal agent area on Form DMS-ADM-102 (Direct Local Services Certification Form, Form DMS-ADM-102, effective), which is hereby incorporated by reference. Form DMS-ADM-102 can be obtained by writing to:

Florida State Employees' Charitable Campaign
Department of Management Services
4050 Esplanade Way, Suite 280
Tallahassee, Florida 32399-0950

Local organizations described in question 12 of Form DMS-ADM-100 are exempt from this requirement.

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History--New 1-1-02, Amended 3-5-04, 1-9-05, 2-13-06, .

60L-39.006 Duties and Responsibilities of the Fiscal Agent.

(1) The state fiscal agent, which the Department shall select through competitive procurement, shall provide state level coordination of the campaign and oversee the activities of area fiscal agents, which receive, account for, and distribute charitable contributions among participating charitable organizations. The state fiscal agent shall ensure that campaign brochures and materials treat all participating organizations and federations equally and fairly. Campaign brochures shall provide fair listing order and the same type, size, and color print for all participating organizations and for all federations.

(2) The duties and responsibilities of the area fiscal agent shall include the following:

(a) The area fiscal agent shall sSelecting, training and managing a local steering committee composed of state employees in the fiscal agent area to assist in conducting the campaign and to direct the distribution of undesignated funds. The fiscal agent shall select the local steering committee from among recommendations provided by interested participating organizations, if any, with the approval of the Steering Committee. Any local steering committee member shall disclose any affiliation with a participating charity or federation prior to voting on undesignated funds. Federations shall submit the names of potential steering committee members, if any, to the area fiscal agent by July 1 of each year.

(b) The area fiscal agent shall tTraining employee keyworkers and volunteers in the methods of non-coercive solicitation.

(c) The area fiscal agent shall h~~Honoring~~ employee designations.

(d) The area fiscal agent shall h~~Helping~~ to ensure that no employee is coerced or questioned as to the employee's designation or its amount, other than for arithmetical inconsistencies.

(e) The area fiscal agent shall r~~Responding~~ in a timely and appropriate manner to inquiries from employees, participating organizations, federations or the Steering Committee.

(f) The area fiscal agent shall n~~Notifying~~ participating organizations and federations of the name and address of the local steering committee chairperson and ensuring them access to the steering committee meetings.

(g) For meetings during which undesignated funds will be discussed, the area fiscal agent shall ~~ensuring~~ a minimum of a two-week notice to participating federations is provided.

(h) The area fiscal agent shall e~~Ensuring~~ that distribution of undesignated funds is limited to participating organizations and federations in the FSECC- and that any undesignated funds distributed in any local fiscal agent's area to a charitable organization providing direct services in that area are in the same percentage as the designated funds received by the charitable organization in that area.

(i) The area fiscal agent shall e~~Ensuring~~ the timely distribution of campaign funds to participating organizations and federations on at least a quarterly basis. If an area fiscal agent's prior year's collections from the FSECC fall below the prior year's median raised by all area fiscal agents (an amount to be determined by the state fiscal agent by calculating the median amount raised by all area fiscal agents), the area fiscal agent is authorized to make distributions on a less than quarterly basis, so long as all distributions are made within the funding year.

(j) The area fiscal agent shall w~~Withholding~~ the reasonable costs for conducting the campaign and for accounting and distribution to the participating organizations and federations. These costs shall be shared proportionately by the participating federations and independent or~~unaffiliated~~ organizations based on their percentage share of the gross campaign.

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History--New 1-6-02, Amended 3-5-04, 1-9-05, 2-13-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Kuczanski, Chairman, Florida State Employees' Charitable Campaign Steering Committee

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lee Ann Korst, Deputy Secretary, Department of Management Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 14, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.:

RULE TITLE:

61G4-15.001

Qualification for Certification

PURPOSE AND EFFECT: The Board proposes a rule amendment for the clarification of the requirements for swimming pool/spa servicing contractors.

SUMMARY: The Board proposed a rule amendment to list experience as an alternative to the 60 hour course requirement for certified swimming pool/spa servicing contractors.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of regulatory costs has been 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: 489.111 FS.

LAW IMPLEMENTED: 489.111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: G.W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.001 Qualification for Certification.

(1) through (4) No change.

(5) As an alternative to the experience required under Section 489.111(2)(c)1.-3., F.S., a ~~An~~ applicant wishing to sit for the swimming pool/spa servicing contractor certification examination must submit proof that he meets the requirements of Section 489.111(2)(c)6.d., F.S., by demonstrating one year of proven experience related to the scope of work of a swimming pool/spa servicing contractor as defined in Section 489.105(3)1., F.S., performed under the supervision of a certified or registered commercial pool/spa, residential pool/spa, or pool/spa servicing contractor, and demonstrating satisfactory completion of a sixty-hour course of instruction, approved by the Board pursuant to Rule 61G4-18.004, F.A.C., and conducted by a course provider registered pursuant to Rule 61G4-18.003, F.A.C., that consists of the following:

(a) through (c) No change.

Specific Authority 489.111 FS. Law Implemented 489.111 FS. History--New 1-6-80, Amended 12-16-80, 6-30-82, 4-11-83, Formerly 21E-15.01, Amended 12-11-90, 8-21-91, 4-16-92, Formerly 21E-15.001, Amended 7-18-94, 12-16-01, 2-6-03, 6-23-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board

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

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

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

Board of Dentistry

RULE NOS.:	RULE TITLES:
64B5-2.014	Licensure Requirements for Applicants from Accredited Schools or Colleges
64B5-2.0146	Licensure Requirements for Applicants from Non-Accredited Schools or Colleges
64B5-2.0148	Credentials Requirements for Applicants from Non-Accredited Schools or Colleges, Whose Records are Unavailable

PURPOSE AND EFFECT: The purpose and effect for Rule 64B5-2.014, F.A.C., is to change the rule language to comply with new legislation regarding HIV Aids and domestic violence courses. The purpose and effect for Rule 64B5-2.0146, F.A.C., is to change the rule language to comply with new legislation regarding HIV Aids and domestic violence. The purpose and effect for Rule 64B5-2.0148, F.A.C., is to change the rule language to comply with examination requirement in Section 466.006 F.S.

SUMMARY: In Rule 64B5-2.014, F.A.C., the rule language is changed to comply with new legislation regarding HIV Aids and domestic violence courses. In Rule 64B5-2.0146, F.A.C., the rule language is changed to comply with new legislation regarding HIV Aids and domestic violence. In Rule 64B5-2.0148, F.A.C., the rule language is changed to comply with examination requirement in Section 466.006, F.S.

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: 466.004, 466.007 FS.

LAW IMPLEMENTED: 456.033, 466.006, 466.007, 466.0075, 466.028 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.014 Licensure Requirements for Applicants from Accredited Schools or Colleges.

Any person who has graduated, or expects to graduate prior to the examination, or is in their final year of a dental program and has completed all the coursework necessary to prepare the student to perform the clinical and diagnostic procedures required to pass the examinations, from a school or college accredited by the Commission on Accreditation of the American Dental Association or its successor agency or a school or college approved by the board may seek licensure as a dentist or dental hygienist by applying in the following manner:

(1) through (3) No change.

~~(4) Prior to issuance of a license, the applicant shall submit proof of having successfully completed a Board approved course on human immunodeficiency virus and acquired immune deficiency syndrome. However, a license may be issued without proof of completion if the applicant submits an affidavit which establishes good cause for having failed to meet this pre-licensure requirement. The Chairman of the Board is delegated the authority to determine whether or not good cause has been established. Upon a determination of good cause, the applicant shall be given 6 months from issuance of licensure to complete this requirement.~~

~~(4)(5)~~ No change.

Specific Authority 466.004 FS. Law Implemented 456.033, 466.006, 466.007, 466.0075, 466.028 FS. History—New 10-8-79, Amended 4-1-80, 4-20-81, 3-16-82, 5-2-84, 9-4-84, Formerly 21G-2.14, Amended 12-31-86, 10-8-87, 11-16-89, 10-18-90, Formerly 21G-2.014, 61F5-2.014, Amended 9-24-96, Formerly 59Q-2.014, Amended 8-20-97, 3-16-06,_____.

64B5-2.0146 Licensure Requirements for Applicants from Non-Accredited Schools or Colleges.

(1) No change.

(2) An applicant who otherwise meets the requirements of Section 466.006(3), F.S., and chooses to apply pursuant to Section 466.006(3)(b), F.S., will be required to:

(a) through (b) No change.

(c) Present to the Board the following documents:

1. through 2. No change.

~~3. A letter addressed to the Board from the dean of the sponsoring institution's dental school stating that the applicant successfully completed the sponsored supplemental general dental education program and attained the educational equivalency of a graduating senior at the sponsoring institution's dental school and completed the requirements of two academic years in a general dental program providing educational remediation to the level of a D.D.S. or D.M.D. recipient.~~

~~(3) Prior to issuance of a license, the applicant shall submit proof of having successfully completed a Board approved course on human immunodeficiency virus and acquired immune deficiency syndrome, as set forth in Rule 64B5-12.019, F.A.C. However, a license shall be issued without proof of completion if the applicant submits an affidavit which establishes good cause for having failed to meet this pre licensure requirement. Upon the Board's determination that good cause has been established, the applicant shall be given 6 months from issuance of licensure to complete this requirement.~~

(4) No change.

Specific Authority 466.004 FS. Law Implemented 456.033(6), 466.006, 466.0075 FS. History-New 10-15-92, Formerly 21G-2.0146, 61F5-2.0146, Amended 9-24-96, Formerly 59Q-2.0146, Amended 8-19-97, 5-20-01, 6-7-05,_____.

64B5-2.0148 Credentials Requirements for Applicants from Non-Accredited Schools or Colleges, Whose Records Are Unavailable.

Any person who seeks licensure as a dentist but is unable to supply proper educational credentials due to the political conditions of the country in which the education was received shall submit any and all documents which would tend to support the applicant's claim of proper credentials and shall submit at least 60 days prior to the examination:

(1) Proof received directly from the American Dental Association, that the National Board of Dental Examiners Written Examination has been successfully completed within 10 years and in no more than three attempts to successfully complete it, prior to application; ~~dental applicants who successfully completed the examination more than 10 years prior to application shall submit proof of having successfully completed Part II of the examination within 10 years and in no more than three attempts to successfully complete it, prior to application;~~

(2) through (5) No change.

Specific Authority 466.004 FS. Law Implemented 466.006 FS. History-New 11-16-89, Amended 10-18-90, Formerly 21G-2.0148, 61F5-2.0148, 59Q-2.0148, Amended 7-29-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 15, 2006

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NOS.:

64B5-7.0035

RULE TITLES:

Temporary Certificate Requirements
for Dentists Practicing in State and
County Government Facilities

64B5-7.006

Non-Profit Corporation Permits

PURPOSE AND EFFECT: The purpose and effect for Rule 64B5-7.0035, F.A.C., is to change the rule language to comply with new legislation regarding HIV Aids and domestic violence courses. The purpose and effect for Rule 64B5-7.006, F.A.C., is to change the rule language to comply with new legislation regarding HIV Aids and domestic violence courses. SUMMARY: In Rule 64B5-7.0035, F.A.C., the rule language is changed to comply with new legislation regarding HIV Aids and domestic violence courses. In Rule 64B5-7.006, F.A.C., the rule language is changed to comply with new legislation regarding HIV Aids and domestic violence courses.

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: 466.004(4) FS.

LAW IMPLEMENTED: 456.032, 466.017(4), 466.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Sue Foster, Executive Director, Board
of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08,
Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-7.0035 Temporary Certificate Requirements for
Dentists Practicing in State and County Government Facilities.

(1) through (2) No change.

(3) Prior to issuance of a temporary certificate, the
unlicensed dentist shall submit ~~proof of having successfully
completed a Board approved course on human
immunodeficiency virus and acquired immune deficiency
syndrome~~ and proof of current CPR certification. The facility
at which the unlicensed dentist intends to practice shall provide

to the board office the name(s) and license number(s) of the licensed dentist(s) under whose supervision the certificate holder shall work.

(4) No change.

(5) A temporary certificate shall be renewed each biennium. At the time of renewal the certificate holder shall sign a statement that he or she has complied with all continuing education requirements of active licensees. Additionally, each certificate holder shall complete, no later than upon first renewal, a Board-approved course on Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) pertinent to the practice of dentistry and dental hygiene. A temporary certificate shall be canceled by the Board upon the unlicensed dentist being terminated from employment by a state or county government facility or upon a finding by the Board that the temporary certificate holder has violated any provision of Section 466.027 or 466.028, F.S., or has failed the Florida dental licensure examination.

Specific Authority 466.004(4) FS. Law Implemented 456.032, 466.017(4), 466.025 FS. History--New 8-12-93, Formerly 61F5-7.0035, 59Q-7.0035, Amended 11-10-98, 3-25-99, 12-25-01, 1-12-04,_____.

64B5-7.006 Non-Profit Corporation Permits.

(1) Any non-profit corporation which is chartered for the purposes specified in Section 466.025(3), F.S., seeking a permit to employ a non-Florida licensed dentist who is a graduate of a dental school accredited by the Commission on Dental Accreditation of the American Dental Association shall file an application with the Board which contains the following information:

(a) through (e) No change.

(f) As to each non-Florida licensed dentist employed or sought to be employed:

1. through 4. No change.

5. Proof of having successfully completed Board approved courses on human immunodeficiency virus and acquired immune deficiency syndrome, a ~~one-hour~~ course in domestic violence, and proof of current CPR certification.

(2) through (4) No change.

Specific Authority 466.004(4) FS. Law Implemented 466.025(3) FS. History--New 11-16-89, Formerly 21G-7.006, 61F5-7.006, 59Q-7.006, Amended 3-25-99, 6-12-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 15, 2006

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NOS.:

64B5-12.013

64B5-12.016

64B5-12.019

RULE TITLES:

Continuing Education Requirements

Subject Area Requirements

Courses Required for Initial

Licensure, Renewal, or

Reactivation

PURPOSE AND EFFECT: The purpose and effect for Rule 64B5-12.013, F.A.C., is to change the rule language to comply with new legislation regarding HIV Aids and domestic violence courses. The purpose and effect for Rule 64B5-12.016, F.A.C., is to change the rule language to comply with new legislation regarding HIV Aids and domestic violence courses. The purpose and effect for Rule 64B5-12.019, F.A.C., is to change the rule language to comply with new legislation regarding HIV Aids and domestic violence courses.

SUMMARY: In Rule 64B5-12.013, F.A.C., the rule language is changed to comply with new legislation regarding HIV Aids and domestic violence courses. In Rule 64B5-12.016, F.A.C., the rule language is changed to comply with new legislation regarding HIV Aids and domestic violence courses. In Rule 64B5-12.019, F.A.C., the rule language is changed to comply with new legislation regarding HIV Aids and domestic violence courses.

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(8), 456.031, 456.033, 466.004(4), 466.0135, 466.014, 466.017(3), (4) FS.

LAW IMPLEMENTED: 456.013, 456.031, 456.033, 466.0135, 466.014, 466.017(3), (5), 466.028(1)(i), (bb) 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-12.013 Continuing Education Requirements.

(1) Dentists shall complete 30 hours of continuing professional education during each license renewal biennium as a condition of license renewal. ~~No more and no less than one hour shall consist of training in domestic violence as required by Section 456.031, F.S., and described in subsection~~

64B5-12.019(8), F.A.C.: Dentists shall also complete a Board approved two (2) hour continuing education course on domestic violence as defined in Section 741.28 of the Florida Statutes and described in Rule 64B5-12.019, F.A.C., as part of every third biennial licensure renewal. In addition to the 30 hours required herein, each licensed dentist shall complete the training in cardiopulmonary resuscitation (CPR) required in subsection 64B5-12.020(1), F.A.C. Furthermore, each person is required to complete no later than upon first licensure renewal a Board approved course on Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) as required by Section 456.033 of the Florida Statutes and described in Rule 64B5-12.019, F.A.C.

(2) Dental hygienists shall complete 24 hours of continuing professional education as a condition of license renewal. Dental hygienists shall also complete a Board approved two (2) hour continuing education course on domestic violence as defined in Section 741.28 of the Florida Statutes and described in Rule 64B5-12.019, F.A.C., as part of every third biennial licensure renewal ~~which shall include no more or no less than one hour of training in domestic violence every other biennium as required by Section 456.031, F.S., and as described in subsection 64B5-12.019(8), F.A.C., as a condition of license renewal.~~ In addition, during each license renewal biennium licensed dental hygienists shall complete training in cardiopulmonary resuscitation (CPR) at the basic support level, which results in certification or recertification in CPR by the American Heart Association, the American Red Cross or an entity with equivalent requirements. Furthermore, each person is required to complete no later than upon first licensure renewal a Board approved course on Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) as required by Section 456.033 of the Florida Statutes and described in Rule 64B5-12.019, F.A.C.

(3) Continuing education credit shall be awarded only for educational experiences that are specifically appropriate for, and contain useful information directly pertinent to, dentistry and only if received through the following methods:

(a) through (d) No change.

(e) By participating in programs approved by the Board pursuant to Rule 64B5-12.0185, F.A.C., that provide substantial pro bono dental and dental hygiene services to the indigent, to dentally underserved populations or to persons who reside in areas of critical need within Florida. Dentists and dental hygienists may obtain a maximum of 7 ½ hours per biennium of required continuing education credit for participating in such programs. Continuing education credit shall be calculated at a ratio of 1 continuing education credit for each 1 ¾ hours of patient services provided to approved programs.

(f) through (h) No change.

(4) through (6) No change.

Specific Authority 456.013(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017(3), (4) FS. Law Implemented 456.013(8), 456.031, 466.0135, 466.014, 466.017(3), (5), 466.028(1)(i), (bb) FS. History—New 4-2-86, Amended 12-31-86, 4-26-87, 7-20-87, 9-16-87, 11-18-89, 7-9-90, Formerly 21G-12.013, Amended 5-19-94, 7-18-94, Formerly 61F5-12.013, Amended 11-15-95, 4-8-96, Formerly 59Q-12.013, Amended 2-17-98, 2-15-99, 3-11-99, 11-9-00, 5-20-01, 8-25-03, 5-31-04, 7-13-05, 2-14-06,_____.

64B5-12.016 Subject Area Requirements.

(1) Regardless of the manner by which a licensee obtains continuing education, no credit will be awarded unless the subject matter falls within the following subject matter categories:

(a) through (d) No change.

~~(e) One hour of credit will be awarded for completion of a course on domestic violence as required by Section 456.031, F.S.~~

~~(e)(f)~~ Formal group discussions concerning case presentations sponsored by approved providers.

(2) through (4) No change.

Specific Authority 466.004(4), 466.0135, 466.014 FS. Law Implemented 456.031, 466.0135, 466.014 FS. History—New 4-2-86, Amended 1-18-89, 7-9-90, 2-1-93, Formerly 21G-12.016, 61F5-12.016, Amended 9-27-95, Formerly 59Q-12.016, Amended 10-29-00, 5-20-01, 5-31-04, 7-6-06,_____.

64B5-12.019 Courses Required for Initial Licensure, Renewal, or Reactivation.

(1) No license shall be granted and no license shall be renewed or reactivated unless the applicant or licensee submits confirmation to the Board that he or she has successfully completed, no later than upon first renewal, within 24 months prior to seeking initial licensure, renewal or reactivation, a Board-approved course on Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS), and other infectious diseases pertinent to the practice of dentistry and dental hygiene, ~~a Board approved course on domestic violence,~~ and a Board-approved course on prevention of medical errors. All licensees must complete a Board approved two (2) hour continuing education course on domestic violence as defined in Section 741.28 of the Florida Statutes as part of every third biennial licensure renewal.

(2) through (4) No change.

(5) Each applicant or licensee may submit confirmation of having completed a course which complies with subsections 64B5-12.019(1), (2) and (3), F.A.C., on the form prepared by the Department of Health and provided by the Board. Each licensee shall submit confirmation of having completed a Board approved domestic violence continuing education course, on a form provided by the Board, when submitting fees for every third biennial renewal.

(6) through (7) No change.

(8) To receive Board approval, courses on domestic violence must be a minimum of 2 ½ hours long, must cover the substantive areas set forth in Section 456.031, F.S., and must be approved by any state or federal government agency or professional association or offered by a Board approved continuing education provider.

~~(9) In lieu of completing a Board approved HIV/AIDS course, a licensee who has completed such approved course in the immediately preceding biennium may complete a course in end of life care and palliative health care, or any other course approved under the provisions of this rule chapter, as substitute for the course so completed in the immediately preceding biennium. A Board approved HIV course must be taken no less than every other biennium for license renewal.~~

~~(10) In lieu of completing a Board approved domestic violence course, a licensee who has completed such approved course in the immediately preceding biennium may complete a course in end of life care and palliative health care, or any other course approved under the provisions of this rule chapter, as substitute for the course so completed in the immediately preceding biennium. A Board approved domestic violence course must be taken no less than every other biennium for license renewal.~~

~~(9)(11)~~ To receive Board approval, courses on prevention of medical errors shall include a study of root cause analysis, error reduction and prevention, and patient safety. Every such course shall have a minimum of two (2) hours dedicated to the subject areas set forth.

Specific Authority 456.031, 456.033 FS. Law Implemented 456.013, 456.031, 456.033 FS. History—New 1-18-89, Amended 10-28-91, 2-1-93, Formerly 21G-12.019, Amended 6-14-94, Formerly 61F5-12.019, Amended 11-15-95, 2-10-97, Formerly 59Q-12.019, Amended 10-29-00, 8-2-01, 9-27-01, 12-23-02, 1-12-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2006

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: RULE TITLE:
64B5-13.005 Disciplinary Guidelines

PURPOSE AND EFFECT: The purpose and effect in Rule 64B5-13.005, F.A.C., is to update disciplinary guidelines for violations of final orders.

SUMMARY: In Rule 64B5-13.005, F.A.C., disciplinary guidelines for violations of final orders are updated.

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: 456.079(1) FS.

LAW IMPLEMENTED: 456.072(2), 456.079(1), 466.028 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-13.005 Disciplinary Guidelines.

(1) No change.

(a) through (z) No change.

(aa) The violation of a lawful order of the board, or failure to comply with subpoena of the board or department.

(466.028(1)(aa), 456.072(1)(q))

First	<u>\$5,000</u> \$1,000 fine	No change
Offense		
Second	<u>\$10,000</u> Probation with conditions and \$2,500 fine	No change
Offense		
Third	<u>Revocation and \$10,000 fine</u>	No change
Offense	Suspension until compliant with order or subpoena, followed by probation and \$5,000 fine	

(bb) through (zz) No change.

(aaa) through (ccc) No change.

(2) through (5) No change.

Specific Authority 456.079(1) FS. Law Implemented 456.072(2), 456.079(1), 466.028 FS. History—New 12-31-86, Amended 2-21-88, 1-18-89, 12-24-91, Formerly 21G-13.005, 61F5-13.005, 59Q-13.005, Amended 4-2-02, 8-25-03, 2-27-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2006

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

DEPARTMENT OF HEALTH**Board of Dentistry**

RULE NOS.: RULE TITLES:

64B5-14.002 Prohibitions

64B5-14.006 Reporting Adverse Occurrences

PURPOSE AND EFFECT: The purpose and effect for Rule 64B5-14.002, F.A.C., is to update and revise requirements for anesthesia permits. The purpose and effect for Rule 64B5-14.006, F.A.C., is to update requirements for reporting adverse incidents.

SUMMARY: In Rule 64B5-14.002, F.A.C., requirements for anesthesia permits are updated and revised. In Rule 64B5-14.006, F.A.C., requirements for reporting adverse incidents are updated.

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: 466.004(4), 466.017(3) FS.

LAW IMPLEMENTED: 466.017(3) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-14.002 Prohibitions.

(1) General anesthesia or deep sedation. ~~Beginning November 1, 1986, No dentists licensed in this State, including those authorized to administer general anesthesia or deep sedation subsequent to January 31, 1982,~~ shall administer general anesthesia or deep sedation in the practice of dentistry until they have obtained a permit as required by the provisions of this rule chapter.

(2) Conscious sedation. ~~Beginning November 1, 1986, No dentists licensed in this State, including those authorized to administer conscious sedation subsequent to January 31, 1982,~~ shall administer conscious sedation in the practice of dentistry until they have obtained a permit as required by the provisions of this rule chapter.

(3) ~~Beginning with the effective date of this rule, No~~ dentist licensed in this state shall administer Pediatric Conscious Sedation in the practice of dentistry until such dentist has obtained a permit as required by the provisions of this rule chapter.

(4) Nitrous-oxide inhalation analgesia. ~~Beginning November 1, 1986, No dentists licensed in this State, including those authorized to administer nitrous-oxide inhalation analgesia subsequent to January 31, 1982,~~ shall administer nitrous-oxide inhalation analgesia in the practice of dentistry until they have complied with the provisions of this rule chapter.

(5) through (8) No change.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History—New 1-31-80, Amended 4-20-81, 2-13-86, Formerly 21G-14.02, 21G-14.002, Amended 12-20-93, Formerly 61F5-14.002, Amended 8-8-96, Formerly 59Q-14.002, Amended 3-9-03, 11-4-03, 6-15-06,_____.

64B5-14.006 Reporting Adverse Occurrences.

(1) Any dentist practicing in the State of Florida must notify the Board in writing by registered mail, postmarked within 48 hours of any mortality or other incident occurring in the dentist's outpatient facilities. A complete written report shall be filed with the Board within 30 days of the mortality or other incident. Incidents which shall be reported are those which result in temporary or permanent physical or mental injury requiring hospital emergency room treatment and/or hospitalization of a patient during, or as a direct result of the use of general anesthesia, deep sedation, conscious sedation, pediatric conscious sedation, oral sedation, nitrous oxide, or local anesthesia during or related to a dental procedure. The report shall include at minimum, responses to the following:

(a) through (f) No change.

(g) Provide the name and address of the patient.

(h) Provide the names and addresses of all witnesses.

(2) No change.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History—New 2-12-86, Amended 3-27-90, Formerly 21G-14.006, Amended 12-20-93, Formerly 61F5-14.006, Amended 8-8-96, Formerly 59Q-14.006, Amended 11-4-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2006

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

DEPARTMENT OF HEALTH**Board of Dentistry**

RULE NOS.:

64B5-16.002

64B5-16.0075

RULE TITLES:

Required Training

Dental Charting by Dental Hygienists

PURPOSE AND EFFECT: The purpose and effect for Rule 64B5-16.002, F.A.C., is to revise requirements for expanded duty course or programs. The purpose and effect for Rule 64B5-16.0075, F.A.C., is to implement new legislation relating to dental charting.

SUMMARY: In Rule 64B5-16.002, F.A.C., requirements for expanded duty course or programs are revised. In Rule 64B5-16.0075, F.A.C., new legislation relating to dental charting is implemented.

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: 466.004, 466.0235, 466.024 FS.

LAW IMPLEMENTED: 466.023, 466.0235, 466.024 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-16.002 Required Training.

(1) Formal training which is required for the performance of certain remediable tasks consists of a dental hygienist's or dental assistant's successful completion of an expanded duty course or program which meets one of the following requirements:

(a) No change.

(b) The course or program has been approved by the Board for the purpose of providing expanded-duties training for dental hygienists and dental assistants; or

(c) A dental assistant that currently possesses the certified dental assistant (CDA) credential awarded by the Dental Assisting National Board, Inc. (DANB).

(2) through (4) No change.

Specific Authority 466.004, 466.024 FS. Law Implemented 466.023, 466.024 FS. History—New 4-30-80, Amended 8-20-80, 1-28-81, 3-4-81, 4-20-81, Formerly 21G-16.02, Amended 6-30-86, 12-31-86, 7-5-87, 2-21-88, 7-12-88, 1-18-89, 11-16-89, Formerly 21G-16.002, 61F5-16.002, Amended 6-12-97, Formerly 59Q-16.002, Amended

64B5-16.0075 Dental Charting by Dental Hygienists.

(1) Pursuant to Section 466.0235, F.S., a dental hygienist is permitted to, without supervision and within the lawful scope of his or her duties as authorized by law, perform dental charting of hard and soft tissues in public and private

educational institutions of the state and Federal Government, nursing homes, assisted living and long-term care facilities, community health centers, county health departments, mobile dental or health units, and epidemiological surveys for public health. A dental hygienist is permitted to perform dental charting on a volunteer basis at health fairs.

(2) Each person who receives a dental charting, or the parent or legal guarding of the person receiving dental charting, by a dental hygienist pursuant to Section 466.0235, F.S., and this rule shall receive a dental charting form that contains the following information and the patient shall acknowledge by signature the following information before receiving the dental charting procedure:

(a) The patient's name and the names of the patient's parent or legal guardian if the patient is a minor.

(b) The patient's address or the address of the patient's parent or legal guardian if the patient is a minor.

(c) The date of the dental charting.

(d) The name, license number, and place of employment of the dental hygienist performing the dental charting.

(e) The location where the dental charting is being performed.

(f) A statement that the purpose of dental charting is to collect data for use by a dentist at a prompt subsequent examination.

(g) A statement that the dental charting performed is not a substitute for a comprehensive dental examination.

(h) A statement emphasizing that diagnosis of caries, soft tissue disease, oral cancer, temporo-mandibular joint disease (TMJ), and dentofacial malocclusions can only be completed by a dentist in the context of delivering a comprehensive dental examination.

(i) A statement emphasizing the inherent limitations of dental charting and encourage the patient to receive a complete examination by a dentist in rendering a professional diagnosis of the patient's overall health needs.

(j) If the dental hygienist will be performing a periodontal probe, then the dental hygienist shall include a written statement on the dental charting form that he or she has received medical clearance from a physician or dentist before performing the periodontal probe as part of the dental charting.

(3) Dental hygienists are not permitted to receive direct reimbursement for dental charting performed under Section 466.0235, F.S. and this rule by Medicaid, health insurers, health maintenance organizations, prepaid dental plans, or other third-party payors beyond what is otherwise allowable by law.

(4) All referrals made in conjunction with the provision of dental charting services under Section 466.0235, F.S., and this rule shall be in strict conformance with federal and state patient referral, anti-kickback, an patient brokering laws.

(5) A dental hygienist performing dental charting without supervision shall not be deemed to have created either a patient of record or a medical record.

Specific Authority 466.004(4), 466.0235 FS. Law Implemented 466.0235 FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2006

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NOS.: RULE TITLES:

64B13-5.001 Hours Requirement

64B13-5.002 Criteria for Approval

PURPOSE AND EFFECT: To clarify in both Rule 64B13-5.001, F.A.C., and Rule 64B13-5.002, F.A.C., continuing education requirements.

SUMMARY: In both Rule 64B13-5.001, F.A.C., and Rule 64B13-5.002, F.A.C., continuing education requirements are clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of regulatory costs has been 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(7), 463.005(1), 463.007(3), (4) FS.

LAW IMPLEMENTED: 456.013(7), 463.007 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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

64B13-5.001 Hours Requirement.

(1) As a condition to the renewal of a biennial license, each licensed practitioner shall be required to maintain professional competency by completing 30 clock hours of continuing education in subjects relating to optometry that have been approved by the Board. Licensed practitioners shall not be required to complete the continuing education

requirements during the biennium in which they are initially licensed but must complete one hour of approved continuing education in acquired immune deficiency syndrome that complies with the requirements of Section 456.033, F.S. ~~receive initial licensure.~~ Credit for continuing education will be allowed on the basis of an hour for hour. To receive one hour credit, a licensed practitioner must attend not less than 50 minutes. There will be no fractional hour credits.

(a) For licensed practitioners who are certified optometrists, at least 6 of ~~the required~~ those 30 hours must be of "transcript quality." For purposes of this rule, the phrase "transcript quality" refers to coursework in ocular and systemic pharmacology and the diagnosis, treatment and management of ocular and systemic conditions and diseases. Transcript quality CE must be sponsored by a school or college of optometry or equivalent educational entity as approved by the Board and ~~must which~~ requires a test and passing grade.

(b) Attendance at a continuing education program must be certified by the lecturer or someone in charge of the program. An instructor of a course may credit the hours taught towards completion of the instructor's required continuing education; ~~provided, however, that an instructor may only credit a course once, regardless of the number of times the course is taught. However in addition,~~ the instructor of a course may not credit the hours taught towards completion of the "transcript quality" portion of the continuing education requirement. ~~For the biennium ending at the end of February 2003, each licensed practitioner may count hours of continuing education obtained between January of 2001 and the end of February 2001, so long as the licensed practitioner did not count those hours for the March 1, 1999—February 28, 2001, biennium. However, effective March 1, 2003,~~ continuing education hours must be obtained during the biennium preceding license renewal.

~~(a) The Board shall audit an appropriate number of randomly selected licensed practitioners and certified optometrists to assure that the reports of completion of continuing education are valid.~~

~~(b) The Board office has the authority to audit any licensed practitioner or certified optometrist for purposes of determining the validity of that individual's report of completion of continuing education.~~

~~(c) At the time of audit, each designated licensed practitioner or certified optometrist must provide to the Board office appropriate documentation of completion of the required continuing education.~~

~~(d) All licensees are responsible for maintaining appropriate records of completed continuing education for the past two bienniums.~~

~~(c)(2)~~ Licensed practitioners shall be permitted to earn two of the 30 clock hours of continuing education credit ~~per biennium~~ upon demonstrating successful completion of approved training in cardiopulmonary resuscitation given by the American Heart Association or the American Red Cross.

(3) Licensed practitioners shall be required to complete one hour of approved continuing education in acquired immune deficiency syndrome education as part of the requirement of subsection 64B13-5.001(1), F.A.C. Such continuing education shall comply with the requirements of Section 456.033, F.S.

~~(d)(4)~~ Licensed practitioners shall be permitted to earn two ~~Four (4)~~ hours of the thirty (30) clock hours ~~may be~~ in the area of practice management. ~~In order for a licensed practitioner to receive education credit in the area of practice management stated herein, at least two (2) of the four (4) hours must be in the area of Florida jurisprudence.~~

~~(e)(5)~~ As part of the 30 clock hours, licensed practitioners shall be required to obtain ~~may earn~~ two ~~clock~~ hours in the area of Florida jurisprudence. A licensed practitioner may earn two hours in Florida jurisprudence as allowed by subsection (6) by attending a meeting of the Board for no less than four (4) continuous hours. Licensed practitioners will be required to sign-in and sign-out with board staff. Those licensed practitioners present for disciplinary purposes are not eligible to earn the two clock hours for the Board meeting. Out of state licensed practitioners who do not practice in Florida at any time during the biennium, shall be permitted to satisfy the requirement of two hours in Florida jurisprudence by certifying that they have obtained and read a copy of the current provisions of Chapter 456 and 463, F.S., and Rule Chapter 64B13, F.A.C.

(f) As part of the 30 clock hours, licensed practitioners are required to complete a 2-hour course relating to prevention of medical errors, as part of the licensure and renewal process. The course shall be approved by the Board and shall include a study of root-cause analysis, error reduction and prevention, and patient safety. If the course is being offered by a facility licensed pursuant to Chapter 395, F.S., for its employees, the Board approves 1 hour of the 2-hour course to be specifically related to error reduction and prevention methods used in that facility.

(2) The Board shall audit an appropriate number of randomly selected licensed practitioners to assure that the reports of completion of continuing education are valid. At the time of audit, each designated licensed practitioner must provide to the Board office appropriate documentation of completion of the required continuing education. All licensed practitioners are responsible for maintaining appropriate records of completed continuing education for the past two bienniums.

~~(6) Licensed practitioners who at any time during the biennium practiced in Florida shall be required to obtain two (2) hours of education in the area of Florida jurisprudence.~~

(7) Out of state licensees may satisfy the requirements for jurisprudence by certifying that they have obtained and read a copy of Chapters 456 and 463, F.S., and Rule Chapter 64B13, F.A.C.

~~(8) Licensees are required to complete a 2-hour course relating to prevention of medical errors as part of the licensure and renewal process. The course shall be approved by the Board and shall include a study of root-cause analysis, error reduction and prevention, and patient safety. The 2-hour course shall count towards the total number of continuing education hours required for licensure renewal. If the course is being offered by a facility licensed pursuant to Chapter 395, F.S., for its employees, the Board approves 1 hour of the 2-hour course to be specifically related to error reduction and prevention methods used in that facility.~~

Specific Authority 456.013(7), 463.005(1), 463.007(3), (4) FS. Law Implemented 456.013(7), 463.007 FS. History—New 11-13-79, Amended 5-28-80, 9-16-80, 1-13-81, 2-14-82, Formerly 21Q-5.01, Amended 12-16-86, 12-11-88, 4-19-89, 12-20-89, 9-22-92, 10-28-92, Formerly 21Q-5.001, Amended 8-31-93, Formerly 61F8-5.001, Amended 11-29-94, 7-5-95, 8-18-96, Formerly 59V-5.001, Amended 3-21-00, 10-2-01, 1-8-02, 5-8-02, 3-20-03, _____.

64B13-5.002 Criteria for Approval.

~~(1) In determining whether to approve a program of continuing professional education required by subsection 64B13-5.001(1) or (2), F.A.C., the Board shall consider whether the program contributes to the improvement, advancement, and extension of one's professional skill and knowledge to the benefit of the patient he serves. Continuing education courses in practice management and Florida jurisprudence as stated in subsection 64B13-5.001(1)(5)(e) and (f), F.A.C., shall be provided by an individual or organization with demonstrated competence in Florida Law pertaining to optometric practice as evidenced by the individual or organization's credentials, education and experience.~~

(2) Approval of non-transcript quality continuing education programs. A non-transcript quality continuing education program that satisfies the following criteria or course content shall be approved upon presentation of the information specified in subsection (4) below:

(a) A non-transcript quality continuing education program must satisfy the following criteria or course content: The course must be an organized program of learning that will contribute to the advancement and enhancement of professional competency and scientific knowledge in the practice of optometry, and must be designed to reflect the educational needs of Florida optometrists.

1. The course must be an organized program of learning that will contribute to the advancement and enhancement of professional competency and scientific knowledge in the practice of optometry, and must be designed to reflect the educational needs of Florida optometrists.

2.(b) The course must have scientific and educational integrity and must contain customary and generally accepted optometric and medical practices.

~~3.(e)~~ The course must have an outline which demonstrates consistency with the course description and reflects the course content.

~~4.(d)~~ A course handout/outline must be provided to all participants.

~~5.(e)~~ The course must be taught in a manner appropriate to the educational content, objectives, and purpose of the program, and must allow suitable time to be effectively presented to the audience.

~~6.(f)~~ The minimum credit for any qualified course is one hour. One hour of continuing education credit equals fifty (50) minutes of instructional time.

~~7.(g)~~ Instructors must have the necessary qualifications, training and experience to present the course. Principal instructors must hold a minimum of a doctorate-level degree (O.D., M.D., Ph.D., D.O., J.D., D.D.S., D.C., Pharm.D., L.L.D., D.Ed., D.Sc., etc.) or its international equivalent. Faculties at accredited schools or colleges of optometry are exempt from this requirement. Individuals who do not hold at least a doctorate-level degree, or are not on faculty at an accredited school or college of optometry shall only be listed as adjunct instructors for the course and only when the principal instructor holds a doctorate-level degree.

(b) A non-transcript quality continuing education program shall be approved upon presentation of the following information by the program or course provider or by a licensed practitioner who attended the course:

1. Compliance with the criteria or course content specified in subparagraphs (2)(a)1.-7., above;

2. Date(s) and time(s) of each course.

3. Complete outline of course, including a breakdown of hours for each subject.

4. Evidence that the fee specified in subsections 64B13-6.001(15) and (16), F.A.C., has been paid; provided however, should the provider not seek approval of the course, the licensed practitioner seeking approval of the course shall pay the fee.

5. Notwithstanding subparagraphs (2)(b)1.-3., if the program is non-transcript quality and has been previously approved by the Council on Optometric Practitioner Education (COPE), or by any other recognized organization that sponsors optometric education, utilizing the criteria set forth in paragraph (2)(a), the Board shall approve the program upon submission of the approved course number issued by COPE or other recognized organization and compliance with subparagraph (2)(b)4.

(3) Approval of transcript quality continuing education programs. A transcript quality course that satisfies the following requirements, in addition to the criteria or course content in subsection (2) above, shall be approved upon presentation of the information specified below as well as the information specified in subsection (4) below:

(a) A transcript quality continuing education program must satisfy the following criteria or course content: The course must be in consultation with or sponsored by a school or college of optometry or equivalent entity.

1. Compliance with the criteria or course content specified in subparagraphs (2)(a)1.-6.

2. The course must be in consultation with or sponsored by a school or college of optometry or equivalent entity.

~~3.(b)~~ The course must be in at least two (2) hour blocks.

~~4.(e)~~ The course must be taught by instructors approved by the Board. Faculty members that instruct regular courses for the sponsoring school or equivalent educational entity will automatically be approved. Instructors not fitting into this category must be approved by the Board.

~~5.(d)~~ The course must require a Board approved examination with a passing grade. Grading and certification of examinations can be delegated by the provider to an equivalent educational entity.

~~6.(e)~~ The examination must be monitored or mailed to the licensee after the course.

(b) A transcript quality continuing education program shall be approved upon presentation of the following:

1. Compliance with the criteria or course content specified in subparagraphs (3)(a)1.-6.

2. Date(s) and time(s) of each course.

3. Complete outline of course, including a breakdown of hours for each subject.

4. A letter from the dean of the sponsoring school or college of optometry or equivalent educational entity certifying transcript quality credit.

5. A copy of the examination to be given, with the answer key.

6. Identification of the entity responsible for grading and certifying the examination(s).

7. Evidence that the fee specified in subsections 64B13-6.001(15) and (16), F.A.C., has been paid.

(c) In order for a course to be considered transcript quality, it must be approved by the Board as transcript quality prior to the time it is taken.

(4) A course needs to be approved only once during the biennium in which it is presented so long as the presenter and the course outline do not change. To obtain Board approval, the following information must be provided by the program or course provider or by a licensed practitioner who attended the course:

(a) Information sufficient to demonstrate compliance with the criteria set forth in subsection (2) above.

(b) Date(s) and time(s) of each course.

(c) Complete outline of course, including a breakdown of hours for each subject.

~~(d) In the case of a transcript quality course a letter from the dean of the sponsoring school or college of optometry or equivalent educational entity certifying transcript quality credit.~~

~~(e) In the case of a transcript quality course, a copy of the examination to be given.~~

~~(f) In the case of a transcript quality course, identification of the entity responsible for grading and certifying the examination(s).~~

~~(g) Evidence that the fee specified in subsections 64B13-6.001(15) and (16), F.A.C., has been paid; provided however, should the provider not seek approval of the course, the licensed practitioner seeking approval of the course shall pay the fee.~~

~~(h) Notwithstanding paragraphs (a) (c) above, if the program is non transcript quality and has been previously approved by the Council on Optometric Practitioner Education (COPE), or by any other recognized organization that sponsors optometric education utilizing the criteria set forth in subsection (2) above, the Board shall approve the program upon submission of the approved course number issued by COPE or other recognized organization and compliance with paragraph (g) above.~~

~~(5) In order for a course to be considered transcript quality, it must be approved by the Board as transcript quality prior to the time it is taken.~~

~~(6) A course needs to be approved only once during the biennium in which it is presented so long as the presenter and the course outline do not change.~~

Specific Authority 463.005(1) FS. Law Implemented 463.007(4) FS. History—New 11-13-79, Formerly 21Q-5.02, Amended 12-16-86, 12-11-88, 7-10-91, 10-28-92, Formerly 21Q-5.002, 61F8-5.002, Amended 11-29-94, 7-5-95, 8-18-96, Formerly 59V-5.002, Amended 3-21-00, 5-8-02, 8-19-03, 12-26-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 13, 2005

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Services

RULE NOS.:	RULE TITLES:
65A-1.301	Citizenship
65A-1.704	Family-Related Medicaid Eligibility Determination Process
65A-1.705	Family-Related Medicaid General Eligibility Criteria

PURPOSE AND EFFECT: Amendments to the rules will align citizenship requirements for Medicaid applicants and recipients with the federal law, the Deficit Reduction Act of 2005, Public Law 109-171 (DRA). Text has also been edited for technical deficiencies.

SUMMARY: Proposed amendments will revise language to be consistent with federal requirements for individuals who declare to be a U.S. citizen or national. These individuals are required to provide proof of U.S. citizenship and identity.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost 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: 409.918, 409.919, 414.45 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.818, 409.919, 410.033, 414.095, 414.31 FS.

IF REQUESTED IN WRITING 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: December 4, 2006, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pat Whitford, Economic Self-Sufficiency, Telephone (850)410-3479

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-1.301 Citizenship.

(1) The individual whose needs are included must meet the citizenship and noncitizen alien status established in: P.L. 104-193, The Personal Responsibility and Work Opportunity Reconciliation Act of 1996; P.L. 105-33, the Balanced Budget Act of 1997; P.L. 105-185, the Agricultural Research, Extension, and Education Reform Act of 1998; P.L. 105-306, the Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998; P.L. 109-171, the Deficit Reduction Act of 2005; and, the Immigration and Nationality Act.

(2) For Medicaid, every individual who indicates they are a U.S. citizen must provide proof of U.S. citizenship and identity. Exceptions are those who receive or have received SSI or Medicare; and presumptively eligible pregnant women or newborns. The Department will assist with obtaining documentation if requested.

~~(3)(2)~~ The eligibility specialist must verify ~~confirm~~ the immigration status of ~~all non-U.S. citizens~~ through the United States Citizenship and Immigration and Naturalization Service (USCIS) (INS). Verification will be requested electronically using the alien number, or based on a USCIS or prior Immigration and Naturalization Services (INS) document

provided by the applicant. The system of verification is known as the Verification Information System-Customer Processing System (VIS-CPS) Systematic Alien Verification for Entitlement System (SAVE) Program. ~~SAVE verification must be obtained when the alien provides an INS document that does not clearly indicate alien status.~~ When the noncitizen alien provides neither an alien number nor an USCIS INS document to indicate their status, the noncitizen alien must contact the USCIS INS to obtain documentation or verification of noncitizen alien status. The department will offer to assist in obtaining documentation ~~this effort~~ if requested ~~to do so~~. If the noncitizen alien provides any form of USCIS INS documentation, regardless of the expiration date, showing an eligible Immigration Act section, the eligibility specialist must accept the documentation and verify the individual's status ~~through SAVE~~. Electronic vVerification of an eligible immigrant status ~~through SAVE~~ is acceptable proof documentation of the individual's eligible status for all programs. Automated verification ~~by telephone~~ is attempted first. If automated verification cannot be obtained, noncitizenship status must be verified manually (i.e., secondary verification) through use of an USCIS INS form. Benefits will not be withheld when VIS-CPS SAVE indicates secondary (i.e., manual) verification is required and response from the secondary verification is pending, provided all other technical factors of eligibility are met. Benefit recovery is required when such individuals are determined to not have been ~~no longer~~ in an eligible noncitizen alien status.

~~(4)(3)~~ Noncitizens who would experience an undue hardship in obtaining current USCIS INS documentation, hospitalized noncitizens or noncitizens with a medical disability will be considered eligible for benefits on the noncitizen factor of eligibility while awaiting the return of USCIS INS secondary or manual verification. Undue hardship includes living a prohibitive distance from the USCIS INS office, lack of transportation, inability to travel to or attend appointments due to a medical condition, or a long waiting period for an appointment with the USCIS INS. However, these individuals are subject to recoupment for any benefits issued while verification is pending should they subsequently be determined to have been in an ineligible noncitizen ~~alien~~ status.

Specific Authority 409.919, 414.45 FS. Law Implemented 409.903, 409.904, 410.033, 414.095(3), 414.31 FS. History—New 4-9-92, Amended 11-22-93, Formerly 10C-1.301, Amended 4-18-99,_____.

65A-1.704 Family-Related Medicaid Eligibility Determination Process.

- (1) No change.
- (2) Simplified Eligibility for Pregnant Women.
- (a) through (b) No change.

(c) The following information must be verified or obtained, as indicated below, prior to approval for Medicaid for a pregnant woman.

1. through 3. No change.

4. A declaration of citizenship is required. The applicant's statement on the Health Insurance Application for Pregnant Woman, CF-ES 2700, 08/2006, is acceptable as a declaration of citizenship. U.S. citizens must provide proof of their U.S. citizenship and identity. Non-citizens must provide proof of immigration status through the USCIS. The department will request verification of immigration status of noncitizens electronically through the VIS-CPS using the noncitizen's alien number. If the pregnant woman is a non-citizen, she may provide her ~~a~~Alien nNumber to the eligibility public assistance specialist on the application. If the information is not on the application, it may be provided ~~obtained~~ by telephone. The pregnant woman's eligibility as a non-citizen will be determined in accordance with Section 1137 of the Social Security Act. ~~As a non-citizen, she will be requested to provide verification of her immigration status and the SAVE system will be used to verify this information.~~

5. through 6. No change.

(d) No change.

(3) through (5) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.919 FS. History—New 10-8-97, Amended 2-7-01, 10-21-01, 4-1-03, 2-4-04,_____.

65A-1.705 Family-Related Medicaid General Eligibility Criteria.

(1) through (7) No change.

(8) Medicaid Applications Due to KidCare.

(a) through (b) No change.

(c) Prior to approval for Medicaid, children who are U.S. citizens must have their citizenship and identity verified. Prior to approval for Medicaid, verification of immigration status will be required for children who are not citizens. Immigration status will be verified ~~This requirement will be met~~ through the VIS-CPS SAVE system and completion of a KidCare Program Immigration Status Statement, CF-ES 2083, Oct. 2002 (incorporated by reference). Information about immigration status and the receipt of Medicaid will be sent to parents when they are asked to complete the Immigration Status Statement form. If the requested information is not provided within thirty (30) days, the application will be denied, unless a request for an extension is made or there are extenuating circumstances known to the department justifying an extension. If the verification or information is difficult for the parent or caretaker to obtain, the eligibility specialist must provide assistance obtaining the verification or information when requested.

(d) through (h) No change.

(9) No change.

Specific Authority 409.918, 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.818, 409.919 FS. History—New 10-8-97, Amended 9-28-98, 4-5-99, 11-23-99, 2-15-01, 9-24-01, 4-1-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nathan Lewis

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Jennifer Lange

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 28, 2006

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Services

RULE NOS.:	RULE TITLES:
65A-1.707	Family-Related Medicaid Income and Resource Criteria
65A-1.713	SSI-Related Medicaid Income Eligibility Criteria

PURPOSE AND EFFECT: The purpose of these proposed amendments is to align policies and procedures for income and asset exclusions for Medicaid coverage groups. The Social Security Protection Act of 2004 included several policy changes for income and asset exclusions for the Supplemental Security Income (SSI) program. By law these provisions must also apply to SSI-related Medicaid programs and state funded programs (Optional State Supplementation and Home Care for Disabled Adults). The Farm Bill of 2002 allows flexibility to align food stamp income-related policies to those used by TANF and 1931 Medicaid programs. Florida is aligning the policies to further simplify program policies and procedures.

SUMMARY: The proposed amendments specify the provisions for income exclusions for infrequent or irregular earned and unearned income; interest and dividends; and educational grants, loans, scholarships, fellowships and gifts.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost 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: 409.903, 409.918, 409.919 FS.

IF REQUESTED IN WRITING 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: December 4, 2006, 3:00 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pat Whitford, Economic Self-Sufficiency, Telephone (850)410-3479

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-1.707 Family-Related Medicaid Income and Resource Criteria.

(1) Family-related Medicaid income is based on the definitions of income, resources (assets), verification and documentation requirements as follows.

(a) No change.

(b) Resources. Resources are items of value that are owned singly or jointly by an individual who has access to the cash value upon disposition. To be financially eligible for family-related Medicaid, the coverage group's resources cannot exceed the limits specified in subsection 65A-1.716(4), F.A.C. If countable resources are below the resource limit at any time during the month, the coverage group is eligible on the factor of resources for that month. The following resources are excluded in determining the coverage group's eligibility:

1. through 5. No change.

6. Any portion of sStudent grants, loans, and scholarships, fellowships, or gifts used to pay tuition, fees or other necessary educational expenses; and

7. No change.

(c) No change.

(d) Income Disregards. Only the income remaining after the following disregards are applied is counted in the eligibility determination:

1. through 6. No change.

7. Total of infrequent or irregular unearned income if it does not exceed \$60 per recipient in a calendar quarter is excluded ~~are not considered as income~~; for example, gifts for Christmas, birthdays and graduations.

8. Total of infrequent or irregular earned income if it does not exceed \$30 in a calendar quarter is excluded.

9. Interest and dividends on countable assets are excluded.

Specific Authority 409.919 FS. Law Implemented 409.903, 409.918, 409.919 FS. History—New 10-8-97, Amended 2-15-01, 11-23-04,_____.

65A-1.713 SSI-Related Medicaid Income Eligibility Criteria.

(1) No change.

(2) Included and Excluded Income. For all SSI-related coverage groups the department follows the SSI policy specified in 20 C.F.R. 416.1100, et seq., including exclusionary policies regarding Veterans Administration benefits such as VA Aid and Attendance, unreimbursed Medical Expenses, and

reduced VA Improved pensions, to determine what counts as income and what is excluded as income with the following exceptions:

(a) No change.

(b) ~~Exclude income which is considered total of irregular or infrequent earned income if it does not exceed \$30 per calendar quarter is not considered in determining income eligibility.~~

(c) Exclude total of irregular or infrequent unearned income if it does not exceed \$60 per calendar quarter.

(d)(e) Income placed into a qualified income trust is not considered when determining if an individual meets the income standard for ICP, institutional Hospice program or HCBS.

(e) Interest and dividends on countable assets are excluded, except when determining patient responsibility for ICP, HCBS and other institutional programs.

(3) through (4) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 10-8-97, Amended 1-27-99, 4-1-03, 6-13-04, 8-10-06(1), (4), 8-10-06(1), _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nathan Lewis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jennifer Lange

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2006

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: 67-32
RULE TITLE: Elderly Housing Community Loan Program

RULE NOS.: 67-32.002, 67-32.005, 67-32.006
RULE TITLES: Definitions, Application Procedures, Terms and Conditions of Loan

PURPOSE, EFFECT AND SUMMARY: Pursuant to Florida Statutes Section 420.5087(3)(d), F.S., the Florida Housing Finance Corporation administers the Elderly Housing Community Loan (EHCL) Program. This program provides loans to sponsors of affordable rental housing for very low income elderly households. Chapter 67-32, F.A.C., provides the procedures for the administration of this loan program and criteria for receiving, evaluating, and competitively ranking all applications for loans under the EHCL program. The intent of this Rule is to provide loans to sponsors of housing for the elderly to make building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or life-safety or security-related repairs or improvements to such housing. Revisions to the Rule

are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness of local program service delivery and will provide greater clarification of the program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of 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: 420.5087 FS.

LAW IMPLEMENTED: 420.5087 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: November 28, 2006, 1:00 p.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor Seltzer Room, Tallahassee, Florida 32301-1329

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: Derek Helms, EHCL Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. 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: Derek Helms, EHCL Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULE IS:

67-32.002 Definitions

(1) through (10) No change.

(11) "Review Committee" means a committee of Corporation staff ~~and one Department of Community Affairs person~~ who will make recommendations to the Corporation's Board of Directors regarding EHCL Program participation.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.5087(3)(d) FS. History—New 10-2-89, Amended 2-25-96, Formerly 91-32.002, Amended 11-9-98, 1-2-00, 12-31-00, 3-17-02, 5-5-03, 2-16-05, _____.

67-32.005 Application Procedures.

(1) The Corporation hereby adopts and incorporates by reference the EHCL Program Application Package EA0703 (12/06) ~~(12/05)~~.

(2) through (5) No change.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.5087(3)(d) FS. History—New 10-2-89, Amended 1-9-92, 2-25-96, Formerly 9I-32.005, Amended 11-9-98, 1-2-00, 12-31-00, 3-17-02, Repromulgated 5-5-03, Amended 2-16-05, 1-26-06,_____.

67-32.006 Terms and Conditions of Loan.

(1)(a) No change.

(b) Repayment of principle and interest may shall be deferred until maturity of the note, as determined by the credit underwriter based on the debt service coverage ratio for the EHCL Loan, including all superior mortgages not exceeding a 1.50 debt service coverage ratio.

(c) The loan term shall not exceed fifteen years but may be for a shorter period of time as recommended by the credit underwriter. However, if the lien of the Corporation's encumbrance is subordinate to the lien of another mortgage, then the term may be made co-terminus with the longest term of the superior lien if requested by the Borrower and approved by the credit underwriter based on debt service coverage ratio, loan to value ratio, and other factors pertaining to the loan.

(d) through (7) No change.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.5087(3)(d) FS. History—New 10-2-89, Amended 1-9-92, 2-25-96, Formerly 9I-32.006, Amended 11-9-98, Repromulgated 1-2-00, Amended 12-31-00, 3-17-02, 5-5-03, 2-16-05, 1-26-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jody Bedgood, Program Manager, Elderly Housing Community Loan (EHCL) Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, extension 1112

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Derek Helms, Program Administrator, Elderly Housing Community Loan (EHCL) Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, extension 1218

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

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

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: 68-1.007
RULE TITLE: Wildlife Violator Compact, Implementation

PURPOSE AND EFFECT: The 2006 Florida Legislature authorized Florida to become a member of the interstate Wildlife Violator Compact in Chapter 2006-304, Laws of Florida. The compact creates a uniform system which allows member states to recognize suspensions of hunting and fishing

licenses from other member states. The legislation also made the Florida Fish and Wildlife Conservation Commission the enforcer of the compact. The purpose of this rule is to administer the provisions of the Wildlife Violator Compact. The compact has a list of violations for which licenses are typically suspended. All violations which result in a suspension are entered into the compact's computerized data system and are filed under one of the violation codes. Each compact member state must decide which violation codes will be recognized in their state. This rule lists the violations which resulted in a suspension that Florida will recognize and for which Florida will suspend a license. The rule also gives clarity as to how the suspensions will be recognized so that residents and non-residents will know how they are affected by the compact.

SUMMARY: Proposed new Rule 68-1.007, F.A.C., pursuant to Wildlife Violator Compact (adopted in Chapter 2006-304, Laws of Florida), lists the types of license suspensions and revocations from compact member states which will be recognized in Florida. It also clarifies that nonresidents who have a recreational hunting and fishing license suspension from a compact member state will not be able to purchase a recreational hunting and fishing license in Florida during the time period of the suspension. Lastly, the rule states that residents of Florida who have been issued a recreational license that has not yet expired, and who subsequently move out of the state will be considered Florida residents for purposes of the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of 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 lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Fla. Const.; 372.8311 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.; 372.8311, 372.831 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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, phone (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68-1.007 Wildlife Violator Compact, Implementation.

(1) Pursuant to Section 372.831, Florida Statutes, the Fish and Wildlife Conservation Commission hereby recognizes recreational license suspensions or revocations imposed on residents of this state by another participating Wildlife Violator Compact state, for the following violations:

(a) Accumulated Wildlife Violations.

(b) Illegal Take or Possession of Big Game.

(c) Federal Wildlife Violations.

(d) Felony Wildlife Violation.

(e) Illegal Take or Possession of Fish.

(f) License Violations, Fraud, False Statement.

(g) Illegal Take or Possession of other Wildlife.

(h) Violations While on Revocation.

(i) Illegal Take or Possession of Small Game or Migratory Birds.

(j) Sale/Purchase of Wildlife.

(k) Illegal Take or Possession of Threatened or Endangered Species.

(l) Tag/Permit/License Transfer.

(m) Waste of Wildlife.

(2) Non-resident violators.

(a) Under the provisions of the Wildlife Violator Compact, a nonresident who has a suspended or revoked license or privilege from another state will not be eligible to purchase a license in this state during the term of the license or privilege suspension or revocation.

(b) A resident of Florida who has been issued a recreational license that has not yet expired, and who subsequently moves out of state, will be considered a Florida resident for purposes of this rule and treated as provided in subsection (1).

Specific Authority Art. IV, Sec. 9, Fla. Const.: 372.831 FS. Law Implemented Art. IV, Sec. 9, Fla. Const.: 372.831 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Colonel Julie Jones, Division of Law Enforcement

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2006

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-13.003	Hunting Regulations for Ducks, Geese, and Coots

PURPOSE AND EFFECT: The purpose of the proposed rule change is to establish season dates and bag limits for taking ducks, geese, and coots in conformance with federal regulations. Rule wording would be changed to increase the bag limit for hooded mergansers and lengthen the canvasback season. The effect of the rule amendment should be to provide for uniformity between state and federal regulations for these species.

SUMMARY: This rule amends migratory bird hunting regulations to establish duck, goose, and coot season dates and bag limits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of regulatory costs has been 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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

DATES AND TIME: During the regular meeting of the Commission, December 6-7, 2006, 8:30 a.m. – 5:00 p.m., each day

PLACE: Marriott Key Largo, 103800 Overseas Highway, Key Largo, 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 calendar days before the workshop/meeting by contacting the ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-13.003 Hunting Regulations for Ducks, Geese, and Coots.

The Commission has approved the following regulations and bag limits for taking ducks, geese, and coots:

(1) Duck, light goose, and coot season:

(a) Open season:

1. First phase – Opening the Saturday before Thanksgiving and closing the Sunday following Thanksgiving.

2. Second phase – Opening 50 days prior to the last Sunday in January and closing the last Sunday in January.

~~3. Canvasback season—The last 30 days of the season as specified in this paragraph (1)(a).~~

(b) through (e) No change.

(f) Limits: The possession limit for ducks and coots shall be two days' bag limit. There shall be no possession limit for light geese. Light geese include only snow (including blue) and Ross' geese.

1. Ducks: The daily bag limit for ducks is six, including no more than four mallards, of which only two can be females, two scaup, four scoters, two wood ducks, two redheads, one pintail, one canvasback ~~(only during the canvasback season and the Youth Waterfowl Hunt)~~, one black duck, one Florida duck (mottled duck), and one fulvous whistling-duck. In addition to the daily bag limit for ducks, the daily bag limit for mergansers is five, only two ~~one~~ of which may be a hooded merganser.

2. Light geese: The daily bag limit for light geese is 15.

3. Coots: The daily bag limit for coots is 15.

(2) General restrictions:

(a) The taking of harlequin ducks, brant or geese other than light geese as specified in subsection (1) and Canada geese as specified in subsection (4) is prohibited. ~~The taking of canvasbacks is prohibited except during canvasback season and the Youth Waterfowl Hunt.~~

(b) It shall be illegal to possess shotshells loaded with any type of shot other than steel or other nontoxic shot approved for use by the Fish and Wildlife Service, U.S. Department of the Interior, when hunting ducks, geese, or coots.

(3) through (5) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 10-23-79, 8-19-80, 9-29-81, 8-30-82, 7-27-83, 8-13-84, 8-13-85, 10-1-85, Formerly 39-13.03, Amended 8-5-86, 8-24-87, 8-18-88, 12-12-88, 8-17-89, 10-30-89, 8-9-90, 10-31-90, 8-22-91, 10-31-91, 8-23-92, 10-22-92, 9-2-93, 10-28-93, 11-6-94, 10-23-95, 10-20-96, 8-7-97, 10-28-97, 11-12-98, 6-23-99, Formerly 39-13.003, Amended 11-7-00, 5-13-02, 5-1-03, 7-1-04, 7-1-05, 2-1-06, 7-1-06,_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:

RULE TITLE:

68A-13.008

Hunting Regulations for Migratory Birds Other than Ducks and Coots

PURPOSE AND EFFECT: The purpose of the proposed rule change is to establish season dates and bag limits for taking migratory birds other than ducks and coots in conformance with federal regulations. Rule wording would be changed to increase the bag limit for white-winged doves. The effect of the rule amendment should be to provide for uniformity between state and federal regulations for these species.

SUMMARY: This rule amends regulations that establish season dates and bag limits for the hunting of migratory birds other than ducks and coots.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of regulatory costs has been 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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

DATES AND TIME: During the regular meeting of the Commission, December 6-7, 2006, 8:30 a.m. – 5:00 p.m., each day

PLACE: Marriott Key Largo, 103800 Overseas Highway, Key Largo, 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 calendar days before the workshop/meeting by contacting the ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-13.008 Hunting Regulations for Migratory Birds Other than Ducks and Coots.

(1) Mourning doves and white-winged doves:

(a) Open seasons:

1. First phase – Opening the first Saturday of October and closing sunset 23 days thereafter.

2. Second phase – Opening 12 days prior to Thanksgiving and closing sunset on the Sunday after Thanksgiving, statewide.

3. Third phase – Opening the second Saturday of December and closing sunset 29 days thereafter statewide.

(b) Shooting hours: Noon until sunset during the first phase and one-half hour before sunrise until sunset during the second and third phases.

(c) Limits:

1. Daily bag: 12.

2. Possession: 24.

3. The daily bag limit of doves shall be 12 mourning and white-winged doves in the aggregate ~~of which no more than four may be white winged doves. Possession limit of white winged doves shall be eight.~~

(2) through (6) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 8-17-89, Amended 8-9-90, 8-22-91, 8-23-92, 9-2-93, 9-15-94, 9-15-96, 9-7-97, Formerly 39-13.008, Amended 7-1-01, 7-1-04,_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Marine Fisheries Management

RULE NO.: 68B-24.009 RULE TITLE: Trap Reduction Schedule

PURPOSE AND EFFECT: The purpose of this rule amendment is to continue the suspension on the annual reduction of spiny lobster traps through the 2007-2008 license year. The suspension was implemented at the beginning of the Commission-mandated three-year evaluation of the spiny lobster fishery. The evaluation was scheduled to be completed at the end of 2006. However, it is now scheduled to continue

through 2007, and the rule amendment is necessary to continue the suspension of the trap reduction through the conclusion of the evaluation.

SUMMARY: Rule 68B-24.009, F.A.C. is amended to extend the current suspension of the spiny lobster trap reduction program for one additional year, such that it continues through the 2007-2008 license year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of 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 lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

DATES AND TIME: During the regular meeting of the Commission, December 6-7, 2006, 8:30 a.m. until 5:00 p.m., each day

PLACE: Marriott Key Largo, 103800 Overseas Highway, Key Largo, FL 33037

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 calendar days before the workshop/meeting by contacting The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-24.009 Trap Reduction Schedule.

(1) through (3) No change.

(4) Notwithstanding the provisions of subsections (1)-(3) of this rule, no trap reductions shall take place in the license years beginning with the 2004-2005 license year and continuing through the 2007-2008 ~~2006-2007~~ license year.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 3-1-92, Amended 6-1-94, 6-3-96, 3-5-97, Formerly 46-24.009, Amended 6-29-00, 7-1-01, 4-1-04,_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT

CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Robson, Director, Division of Marine Fisheries Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

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

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: RULE TITLE:

69B-211.002 General Procedures

PURPOSE AND EFFECT: The purpose of the proposed rule is to adopt revisions to the Department's application form for licensing and registration of insurance agencies and to provide that applications are to be submitted electronically via the Department's website.

SUMMARY: The rule amendment adopts a revised application form for insurance agencies to file when applying for a license or registration from the Department. The rule also requires that applications be filled out and submitted to the Department through the Department's website.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost has been 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: 624.308, 626.161, 626.171, 626.172 FS.

LAW IMPLEMENTED: 624.308, 624.321, 624.501, 626.171, 626.172, 626.201, 626.211, 626.271, 626.541, 626.592, 626.611, 626.621, 626.752, 626.793, 626.837, 626.8417 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: November 28, 2006, 1:00 p.m. – 3:00 p.m.

PLACE: Room 142, Larson Building, 200 E. 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: Hazel Muhammad, (850)413-5460. 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: Hazel Muhammad, Chief, Bureau of Licensing, Department of Financial Services, 200 E. Gaines Street, 412 Larson Building, Tallahassee, FL 32399-0319, (850)413-5460

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-211.002 General Procedures.

(1) through (11) No change.

(12) An applicant for an insurance agency license or registration shall complete and submit Form DFS-H2-495 296, "Application for Insurance Agency Licensure and Registration License," rev. 7/06 10/95. All applications shall be submitted through the Department's website at https://aalf.fldfs.com/common/com_index.asp.

(13) through (36) No change.

Specific Authority 624.308, 626.161, 626.171, 626.172 FS. Law Implemented 624.308, 624.321, 624.501, 626.171, 626.172, 626.201, 626.211, 626.271, 626.541, 626.592, 626.611, 626.621, 626.752, 626.793, 626.837, 626.8417 FS. History—New 6-4-92, Amended 5-17-94, 6-7-99, Formerly 4-211.002, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Hazel Muhammad, Chief, Bureau of Licensing, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Alice Palmer, Director, Division of Agent and Agency Services, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 2006

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

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER NO.: RULE CHAPTER TITLE:

5B-62 Citrus Nursery Stock Certification Program

RULE NOS.: RULE TITLES:

5B-62.020 Retail Sales

5B-62.022 Requirements for Utility and Road Construction

5B-62.027 Exemptions