

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-7.001
RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes a rule amendment to add an offense for which citation may be issued to implement an amendment to Section 456.072, F.S.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.078, 468.1135(4) FS.

LAW IMPLEMENTED: 456.063, 456.072, 456.076, 456.078, 468.1295, 468.1296 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela King, Executive Director, Board of Speech-Language Pathology and Audiology /MQA, 4052 Bald Cypress Way, Bin #06, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B20-7.001 Disciplinary Guidelines.

(1) through (4)(cc) No change.

(dd) Violating Section 456.072(1)(t), F.S., by failing to identify through written notice or orally to a patient the type of license under which the practitioner is practicing or failing to identify the type of license that the practitioner pictured or named in an advertisement for health care services holds.

First Offense From a letter of concern to reprimand of the license and an administrative fine ranging from \$500.00 to \$2,000.00.

Second Offense From probation to suspension of the license, and an administrative fine ranging from \$2,000.00 to \$5,000.00.

Third Offense From suspension to revocation, and an administrative fine ranging from \$5,000.00 to \$10,000.00.

Specific Authority 456.078, 468.1135(4) FS. Law Implemented 456.063, 456.072, 456.076, 456.078, 468.1295, 468.1296 FS. History--New 2-7-91, Amended 11-9-92, Formerly 21LL-7.001, 61F14-7.001, 59BB-7.001, Amended 10-25-00, 4-14-02, 8-22-05, 12-28-05,_____.

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.: 69O-203.202
RULE TITLE: Standards for Discount Medical Plans

PURPOSE AND EFFECT: Set forth standards of review for charges over \$30.00.

SUBJECT AREA TO BE ADDRESSED: Discount Medical Plans.

SPECIFIC AUTHORITY: 636.232 FS.

LAW IMPLEMENTED: 636.216 FS.

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

DATE AND TIME: January 31, 2007, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Tracie Lambright, Life and Health Product Review, Office of Insurance Regulation, E-mail: Tracie.Lambright@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tracie Lambright, Life and Health Product Review, Office of Insurance Regulation, E-mail: Tracie.Lambright@fldfs.com

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

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NO.: 5F-10.001
RULE TITLE: Standards

PURPOSE AND EFFECT: The purpose of amending Rule 5F-10.001, F.A.C., is to adopt the most recent version of the chemical and physical standards set forth in ASTM International for antifreeze (engine coolant) products and to alter the language so as to require all such products, regardless of composition, to conform to the ASTM International standards adopted in this section. The effect of the adoption of the most recent version of the standards is to maintain

up-to-date nationally recognized standards. The purpose of altering the language is to eliminate any possible ambiguity regarding product quality specifications for non-glycol base engine coolants. The effect of these changes will be to ensure that all antifreeze products sold or distributed in the State of Florida meet the ASTM International specifications adopted in this section.

SUMMARY: Proposed Rule 5F-10.001, F.A.C., will specify that the most recent designation of the ASTM International Standards is the accepted standard for implementation of Section 501.91, F.S. The Department will use these standards and specifications when evaluating antifreeze products offered for registration with the Department or offered for sale to the public. It will also specify needed rewording of the rule to address possible ambiguity regarding product quality specifications for non-glycol base engine coolants.

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: 570.07(23), 501.921 FS.

LAW IMPLEMENTED: 501.913, 501.917, 501.921 FS.

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

DATE AND TIME: Tuesday, January 2, 2007, 10:00 a.m.

PLACE: Bureau of Petroleum Inspection's Conference Room, 3125 Conner Boulevard, Bldg. #1, Tallahassee, Florida 32399-1650

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: Nancy Fischer, Environmental Manager; 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650; Phone: (850)488-9740

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. 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: Matthew D. Curran, Ph.D., Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, Phone: (850)488-9740

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-10.001 Standards.

(1) The performance specifications and standards for all non-recycled glycol-base antifreeze products are hereby incorporated by reference: ASTM D 3306-0503, "Standard Specification for Glycol Base Engine Coolant for Automobile and Light Duty Service," (approved October 1, 2005).

(2) The performance specifications and standards for all recycled glycol-base antifreeze products are hereby incorporated by reference: ASTM D 6471-0603, "Standard Specification for Recycled Prediluted Aqueous Glycol Base Engine Coolant (50 Volume % Minimum) for Automobile and Light Duty Service," (approved June 1, 2006) and ASTM D 6472-0603, "Standard Specification for Recycled Glycol Base Engine Coolant Concentrate for Automobile and Light Duty Service," (approved May 1, 2006).

Specific Authority 570.07(23), 501.921 FS. Law Implemented 501.913, 501.917, 501.921 FS. History--New 10-6-93, Amended 7-5-95, 12-9-98, 6-25-00, 10-22-01, 12-9-02, 12-7-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Matthew D. Curran, Ph.D., Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650; Phone: (850)488-9740

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Paul N. Driggers, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 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."

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-208.101	Employee Grooming, Uniform and Clothing Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to define authorized facial hair, provide that employees shall notify their supervisors in writing prior to either growing facial hair or removing previously authorized facial hair and require staff to obtain a new staff photo ID within one week of the completion of growing or shaving of authorized facial hair.

SUMMARY: Amends the rule to define authorized facial hair, provide that employees shall notify their supervisors in writing prior to either growing facial hair or removing previously authorized facial hair and require staff to obtain a new staff photo ID within one week of the completion of growing or shaving of authorized facial hair.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) No change.

(2) In addition to the standards set forth in subsection (1), all male employees shall comply with the following grooming standards:

(a) No change.

(b) ~~Facial hair for staff is authorized as follows: Staff shall be permitted to wear a neatly trimmed 1/4 inch beard, unless the wearing of facial hair would interfere with the performance of assigned duties.~~

1. Staff must notify the correctional office chief or, in the case of non-uniformed staff, their immediate supervisor, in writing, of their intention to grow authorized facial hair. Conversely, staff must also notify the correctional officer chief or, in the case of non-uniformed staff, their immediate supervisor, in writing, of their intent to shave previously authorized facial hair;

2. Any authorized facial hair as described below in subparagraph (2)(b)5. shall not exceed 1/4 inch in length;

3. The wearing of authorized facial hair must not interfere with the performance of assigned duties;

4. Staff must obtain a new staff photo ID within one week of the completion of growing or shaving of authorized facial hair;

5. Authorized facial hair is defined as:

a. A moustache that does not protrude below the top of the upper lip or past the corner of the mouth on the side; or

b. A full-face beard; or

c. A goatee with or without a moustache.

6. The growing of variations of the above, i.e. chin curtain, soul patch, handlebar moustache, mutton chops, and other similar styles is not authorized.

(3) through (7) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, 12-18-00, 4-30-02, 2-20-03, 6-26-03, 10-27-03, 12-28-03, 12-12-04, 9-11-06,_____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hieteenhia "Tina" Hayes, Acting Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 1, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2006

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-208.401
RULE TITLE: Personal Vehicle Damage Reimbursement Claims

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide that employees using a personal vehicle while on duty must have automobile insurance to include property or collision coverage in order to seek reimbursement for a deductible claim when the vehicle is damaged while on duty and provide that the deductible reimbursement shall not exceed six hundred dollars.

SUMMARY: Amends the rule to specify the qualifications for obtaining reimbursement of deductible claims for employees using a personal vehicle that is damaged while on duty and provides that the deductible reimbursement shall not exceed six hundred dollars.

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

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

SPECIFIC AUTHORITY: 944.0611 FS.

LAW IMPLEMENTED: 944.0611 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.401 Personal Vehicle Damage Reimbursement Claims.

- (1) No change.
- (2) Responsibilities.
 - (a) No change.

(b) To qualify to be reimbursed for any deductible claim, the claimant shall have in effect, prior to any accident under which a deductible reimbursement is sought, an automobile insurance policy issued by an insurance company authorized to operate by Florida law. Such policy shall be inclusive of property damage or collision coverage upon his or her vehicle for which he or she seeks to claim reimbursement of a deductible amount. The Department shall not be required to pay any deductible reimbursement in excess of six hundred dollars (\$600).

~~(c)~~ To request reimbursement for damage to his or her personal vehicle, an employee must submit the following documentation to his or her immediate supervisor within 30 days following the incident.

- 1. through 5. No change.

Specific Authority 944.0611 FS. Law Implemented 944.0611 FS. History—New 3-17-96, Amended 11-16-97, Formerly 33-4.014, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ralph Kiessig, Deputy Director of Administration

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2006

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.071	Durable Medical Equipment and Medical Supply Services Provider Fee Schedules

PURPOSE AND EFFECT: Rule 59G-4.071, F.A.C., is a new rule that will incorporate by reference the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedules that are effective January 2007. The effect of Rule 59G-4.071, F.A.C., will be to incorporate by

reference in rule the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedules, January 2007.

In the Notice of Rule Development that was published in Vol. 32, No. 39, September 29, 2006, Florida Administrative Weekly, we stated that the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedules were effective January 2006. We corrected the effective date to January 2007.

SUMMARY: Rule 59G-4.071, F.A.C., will incorporate by reference the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedules that are effective January 2007. The effect of Rule 59G-4.071, F.A.C., will be to incorporate by reference in rule the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedules, January 2007.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

DATE AND TIME: Wednesday, January 3, 2007, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Gabric, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7306

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.071 Durable Medical Equipment and Medical Supply Services Provider Fee Schedules.

Medicaid durable medical equipment and medical supply providers and their billing agents who submit claims on their behalf must be in compliance with the provisions of the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients, January 2007, and the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for Recipients Under Age 21, January 2007, which are incorporated by reference. The fee schedules are available from the Medicaid fiscal agent’s website at <http://florida.medicaid.acs-inc.com>. Click on Provider Support, and then on Fees.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908
 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Dan Gabric
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Christa Calamas
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: November 20, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: September 29, 2006

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference Update January 2007 to the Florida Medicaid Optometric Services Coverage and Limitations Handbook. The handbook update includes Medicaid coverage for eyeglasses and for visual exams for the purpose of prescribing eyeglasses for recipients age 21 and older, which the Legislature reinstated effective July 2007. The handbook update also contains coverage of lacrimal punctum plugs and revisions in provider enrollment policies due to the National Provider Identifier (NPI). The effect will be to incorporate by reference in the rule Update January 2007 to the Florida Medicaid Optometric 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 Optometric Services Coverage and Limitations Handbook update was effective July 2006. We changed the effective date to January 2007.

SUMMARY: The purpose of the proposed rule amendment is to incorporate by reference Update January 2007 to the Florida Medicaid Optometric Services Coverage and Limitations Handbook. The effect will be to incorporate by reference in the rule Update January 2007 to the Florida Medicaid Optometric Services Coverage and Limitations Handbook.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

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

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

DATE AND TIME: Wednesday, January 3, 2007, 10:00 a.m.
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jason Ottinger, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7314

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.210 Optometric Services.

(1) No change.

(2) All optometric practitioners enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2006, updated January 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 (800)377-8216.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jason Ottinger

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

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

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference in rule Update January 2007 to the Florida Medicaid Visual Services Coverage and Limitations Handbook. The handbook update includes Medicaid coverage for eyeglasses for recipients age 21 and older, which the Legislature reinstated effective July

2006. The handbook also contains revisions in provider enrollment policies due to the National Provider Identifier (NPI). The effect will be to incorporate by reference in the rule Update January 2007 to the Florida Medicaid Visual 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 Visual Services Coverage and Limitations Handbook update was effective July 2006. We changed the effective date to January 2007.

SUMMARY: The purpose of the proposed rule amendment is to incorporate by reference in rule Update January 2007 to the Florida Medicaid Visual Services Coverage and Limitations Handbook. The effect will be to incorporate by reference in the rule Update January 2007 to the Florida Medicaid Visual Services Coverage and Limitations Handbook.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

DATE AND TIME: Wednesday, January 3, 2007, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jason Ottinger, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7314

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.340 Visual Services.

(1) No change.

(2) All visual services practitioners enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Visual Services Coverage and Limitations Handbook, January 2006, updated January 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 (800)377-8216.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jason Ottinger

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-20.007
RULE TITLE: Foreign Degrees

PURPOSE AND EFFECT: Purpose and effect is to approve an additional education evaluation service for use by licensure applicants.

SUMMARY: The rule language is revised to approve an additional education evaluation service for use by licensure applicants.

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: 471.008 FS.

LAW IMPLEMENTED: 471.013, 471.015 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-20.007 Foreign Degrees.

(1) through (3) No change.

(4) The applicant must request an evaluation of substantial equivalency of his or her credentials to EAC/ABET standards through either Engineering Credentials Evaluation International, 111 Market Place, #171, Baltimore, Maryland

21202; Center for Professional Engineering Education Services, P. O. Box 720010, Miami, Florida 33172; or Joseph Silny & Associates, Inc., P. O. Box 248233, Coral Gables, Florida 33124.

(5) No change.

Specific Authority 471.008 FS. Law Implemented 471.013, 471.015 FS. History—New 7-20-95, Amended 6-5-96, 4-16-98, 1-17-99, 7-28-99, 1-6-02, 6-13-02, 6-30-02, 10-2-03, 6-16-04, 3-13-05, 5-1-05, 6-11-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-22.011
RULE TITLE: Board Approval of Continuing Education Providers

PURPOSE AND EFFECT: Purpose and effect is to include state agencies in the same category as federal agencies.

SUMMARY: The rule language is revised to include state agencies in the same category as federal agencies.

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

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

SPECIFIC AUTHORITY: 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-22.011 Board Approval of Continuing Education Providers.

(1) through (8) No change.

(9) The following providers shall be approved as providers until May 31, 2009, and the Board shall accept their courses for continuing education credit:

(a) No change

(b) Federal and State Governmental Agencies that establish rules, regulations, guidelines, or otherwise have an impact on the practice of engineering; and

(c) No change.

Specific Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended 9-4-02, 12-21-03, 8-8-05, 6-11-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-3.0025
RULE TITLE: Domestic Equivalency Education Program Criteria for Applicants Who Graduated from Non-ABET Accredited Surveying and Mapping Degree Programs

PURPOSE AND EFFECT: Purpose and effect for Rule 61G17-3.0025, F.A.C., is to establish domestic degree equivalency criteria for applicants who graduated from a United States non-ABET accredited surveying and mapping degree program.

SUMMARY: In Rule 61G17-3.0025, F.A.C., domestic degree equivalency criteria for applicants who graduated from a United States non-ABET accredited surveying and mapping degree program are established.

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: 472.013 FS.

LAW IMPLEMENTED: 472.008, 472.013 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: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 12, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2006

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-3.0025 Domestic Equivalency Education Program Criteria for Applicants Who Graduated from Non-ABET Accredited Surveying and Mapping Degree Programs.

In order to satisfy the licensure requirements of Section 472.013(2)(a) of the Florida Statutes, a surveyor and mapper applicant who received a surveying and mapping degree from a non-ABET accredited United States college or university must have received the surveying and mapping degree after completing a surveying and mapping degree program of 4 years or more that meets the following criteria:

- (1) Twenty-one (21) minimum semester credits in communications, social science, and humanities;
- (2) Fifteen (15) minimum semester credits in basic science;
- (3) Fifteen (15) minimum semester credits in mathematics;
- (4) Forty-five (45) minimum semester credits of surveying and mapping courses with at least 15 semester credits in surveying and mapping sciences including but not limited to measurement theory, survey graphics, adjustments, cartography, photogrammetry, geodesy, computations, GIS theory, and at least 15 semester credits in surveying and mapping practice specialties including but not limited to legal principles, survey practice, boundary surveying, topographic mapping, route surveying, construction surveying, subdivision design, geodetic surveying, and GIS applications;
- (5) Coverage of at least five (5) of six (6) surveying and mapping science areas, which are: (1) field surveying instruments and methods, (2) photogrammetric mapping and image interpretation and remote sensing, (3) surveying calculation and data adjustments, (4) geodetic coordinates and astronomy, (5) cartographic representation, projections, and map production, and (6) computer-based multi-purpose cadastre, geographic information systems;
- (6) Coverage of land boundaries in the surveying and mapping practice specialties; and
- (7) A minimum of 120 semester credits in the degree program.

Specific Authority 472.013 FS. Law Implemented 472.008, 472.013 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Surveyors and Mappers
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NOS.:	RULE TITLES:
61G17-5.001	Continuing Education Requirements for Reactivation of Inactive License
61G17-5.0043	Obligations of Continuing Education Providers

PURPOSE AND EFFECT: Purpose and effect for Rule 61G17-5.001, F.A.C., is to amend the continuing education requirements for reactivating an inactive license. Purpose and effect for Rule 61G17-5.0043, F.A.C., is to revise an incorrect citation.

SUMMARY: In Rule 61G17-5.001, F.A.C., the continuing education requirements for reactivating an inactive license are amended. In Rule 61G17-5.0043, F.A.C., an incorrect citation is revised and unnecessary requirements are deleted.

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

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

SPECIFIC AUTHORITY: 455.2178, 455.219, 472.008, 472.011, 472.018, 472.019(2) FS.

LAW IMPLEMENTED: 455.2123, 455.271(9), 472.018, 472.019(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-5.001 Continuing Education Requirements for Reactivation of Inactive License.

A license which has been inactive for more than one year may be reactivated upon application to the Department and demonstration to the Board by the licensee of having completed one (1) continuing education credit in surveying and mapping related courses or seminars per inactive month up to a maximum of forty-eight (48) ~~twenty-four (24)~~ continuing education credits which must be completed within one year prior to the date of application for reactivation. This education

for licensure reactivation shall be related to the licensee’s field of practice and shall include a minimum of six (6) hours of Minimum Technical Standards (MTS) continuing education credits and six (6) hours of laws and rules continuing education credits. Verification of the above-mentioned education shall be in the form of a continuing education course certificate of completion that complies with subsection 61G17-5.0043(2), F.A.C.

Specific Authority 472.019(2) FS. Law Implemented 455.271(9), 472.019(2) FS. History–New 10-29-80, Formerly 21HH-5.01, Amended 2-7-91, Formerly 21HH-5.001, Amended 3-28-94, 5-30-95, 10-13-97, 6-29-00, 6-22-03, 6-20-06,_____.

61G17-5.0043 Obligations of Continuing Education Providers.

To maintain status as a continuing education provider, the provider must:

- (1) through (10) No change.
- (11) Allow only one (1) continuing education credit for each “hour of correspondence study.” The “hour of correspondence study” must be based on the average completion time of each course as established by the provider. For correspondence study, provide to each participating licensee a written exam. In order to complete the course, the licensee must ~~sign, date and seal the exam and~~ receive a minimum grade of seventy percent (70%). If a licensee fails the exam, they will be permitted to take the exam again until a passing grade is achieved.
- (12) through (18) No change.
- (19) On-line/internet courses shall be treated as correspondence courses for continuing education purposes, as set forth in subsection ~~(11)(5)~~ above.

Specific Authority 455.2178, 455.219, 472.008, 472.011, 472.018 FS. Law Implemented 455.2123, 472.018 FS. History–New 3-28-94, Amended 5-30-95, 7-27-00, 8-18-03, 8-18-04, 12-28-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2006

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-10.025
RULE TITLE: Advertising

PURPOSE AND EFFECT: the Board proposes the rule amendment to remove “and phone number” of the brokerage firm from advertising requirements.

SUMMARY: The rule amendment will remove “and phone number” of the brokerage firm from advertising requirements.

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: 475.05, 475.25(1)(c) FS.
LAW IMPLEMENTED: 475.01, 475.25, 475.42, 475.4511 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: Lori Crawford, Clerk, Division of Real Estate, 400 N. Robinson Street, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61J2-10.025 Advertising.
- (1) All advertising must be in a manner in which reasonable persons would know they are dealing with a real estate licensee. All real estate advertisements must include the licensed name ~~and phone number~~ of the brokerage firm. No real estate advertisement placed or caused to be placed by a licensee shall be fraudulent, false, deceptive or misleading.
 - (2) through (3)(b) No change.

Specific Authority 120.53, 475.05 FS. Law Implemented 475.01, 475.25, 475.42, 475.421, 475.4511 FS. History–New 1-1-80, Amended 2-17-81, 3-14-85, Formerly 21V-10.25, Amended 12-29-91, 7-20-93, Formerly 21V-10.025, Amended 4-18-99, 7-4-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 26, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Beaches and Shores**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
62B-33	Bureau of Beaches and Coastal Systems – Rules and Procedures for Coastal Construction and Excavation (Permits for Construction Seaward of the Coastal Construction Control Line and Fifty-foot Setback)
RULE NOS.:	RULE TITLES:
62B-33.002	Definitions
62B-33.004	Exemptions from Permit Requirements
62B-33.005	General Criteria
62B-33.0051	Coastal Armoring and Related Structures
62B-33.007	Structural and Other Requirements Necessary for Permit Approval
62B-33.008	Permit Application Requirements and Procedures
62B-33.0081	Survey Requirements
62B-33.013	Permit Modifications, Time Extensions, and Renewals
62B-33.014	Emergency Procedures
62B-33.0155	General Permit Conditions
62B-33.024	Thirty-Year Erosion Projection Procedures

PURPOSE AND EFFECT: To clarify and/or update rule requirements and add or amend definitions.

SUMMARY: Chapter 62B-33, F.A.C., provides the rules and procedures for obtaining a coastal construction control line (CCCL) permit for activities seaward of the CCCL. The proposed amendment will clarify and/or update rule requirements for exemptions, denials, evaluation of impacts from discharges of water or other fluids, emergency protection measures, permit application requirements, survey requirements, permit time extensions, emergency reporting procedures, general permit conditions, permit compliance reporting forms, and 30-year erosion projection procedures. In addition these amendments will add or revise definitions for government entity, survey datum NAD 83/90, protective value, and rebuilding.

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: 161.052, 161.053, 161.0535, 161.085 FS.

LAW IMPLEMENTED: 161.052, 161.053, 161.0535, 161.054, 161.085 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: January 4, 2007, 9:00 a.m. – 12:00 Noon
PLACE: Bureau of Beaches and Coastal Systems, Building B, Room 309 (Training Room), 5050 West Tennessee 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 48 hours before the workshop/meeting by contacting: Rosaline Beckham, Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems, M.S. #300, Tallahassee, Florida 32399-3000, call (850)488-7815 or e-mail: rosaline.beckham@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rosaline Beckham, as referenced above.

THE FULL TEXT OF THE PROPOSED RULES IS:

62B-33.002 Definitions.

(1) "Agency" is an administrative division of local, municipal, county, state, or federal government.

(2) through (20) No change.

(a) Landward horizontal movement of the line of mean high water ~~line~~ or beach and dune system profile.

(b) No change.

(21) through (27) No change.

(28) "Governmental Entity," as used in Rule 62B-33.0051, F.A.C., Coastal Armoring and Related Structures, is defined as an agency, political subdivision, or municipality having jurisdiction over the proposed activities.

(28) through (31) renumbered as (29) through (32) No change.

(a) "Adverse Impacts" are impacts to the coastal system that may cause a measurable interference with the natural functioning of the coastal system.

(b) through (d) No change.

(32) through (36) renumbered as (33) through (37) No change.

(38) “NAD 83/90” – is the North American Datum 1983 adjustment of 1990.

(39)(37) “NAVD 88” is the North American Vertical Datum of 1988.

(38) through (46) renumbered (40) through (48) No change.

(49) “Protective Value” is the measurable protection level afforded by the dune system to upland property and structures from the predictable erosion and storm surge levels associated with coastal storm events.

(47) through (60) renumbered (50) through (63) No change.

Specific Authority 161.053 FS. Law Implemented 161.052, 161.053, 161.0535, 161.054, 161.061, 161.071, 161.081, 161.085 FS. History–New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.02, Amended 5-12-92, Formerly 16B-33.002, Amended 9-12-96, 1-26-98, 8-27-00, 7-1-01, 12-31-01, 6-13-04,_____.

62B-33.004 Exemptions from Permit Requirements.

(1) No change.

(a) through (d) No change.

(e) Property owners may request a determination of exemption status within the period starting with the date of the first Public Hearing on reestablishing the CCCL held within the respective county and ending with the date of the establishment of the CCCL. The effective date of an exemption granted under this rule section shall be the date the CCCL is established.

~~(2) Major structures and additions to major structures proposed above existing patio slabs, decks, or similar unenclosed areas are considered as new structures separate and independent of the existing slab, deck, or other unenclosed area and shall comply with regulatory requirements set forth in this rule chapter.~~

~~(2)(3) No change.~~

(a) through (c) No change.

~~(d) If the Department determines the proposed activity is exempt from the provisions of Section 161.053(12)(c)9., F.S., and this rule chapter, the Department shall issue a notice of exemption using the DEP exemption form. The exemption form, which is entitled “Exemption Determination Pursuant to Section 161.053 or 161.052, F.S.,” DEP form number 73-120, is hereby incorporated by reference. The exemption notice shall be posted on site for the duration of the activity. If the proposed activity is determined not to be exempt, a permit pursuant to Section 161.053, F.S., and this rule chapter is required.~~

(3) The Department shall issue a letter of exemption pursuant to the provisions of Section 161.053(12)(b), F.S., provided that the applicant fulfills the information requirements of subsection 62B-33.008(13), F.A.C., and provided that the Department determines that the proposed project will not cause a measurable interference with the

natural functioning of the coastal system. Prior to commencement of work under the exemption, the applicant shall comply with the public notice requirements for the agency action of Chapter 120, F.S.

(4) If the Department determines the proposed minor construction is exempt from the provisions of Section 161.053(12)(c)9., F.S., the Department shall issue a notice of exemption using the DEP exemption form. The exemption form, which is entitled “Exemption Determination Pursuant to Section 161.053 or 161.052, F.S.,” DEP form number 73-120, is hereby incorporated by reference. The exemption notice shall be posted on site for the duration of the activity. If the proposed activity is determined not to be exempt, a permit pursuant to Section 161.053, F.S., and this rule chapter is required.

(5) Major structures and additions to major structures proposed above existing patio slabs, decks, or similar unenclosed areas are considered as new structures separate and independent of the existing slab, deck, or other unenclosed area and shall comply with regulatory requirements set forth in this rule chapter.

Specific Authority 161.052, 161.053 FS. Law Implemented 161.052, 161.053 FS. History–New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.04, Amended 5-12-92, 11-11-92, Formerly 16B-33.004, Amended 1-26-98, 8-27-00,_____.

62B-33.005 General Criteria.

(1) No change.

(2) In order to demonstrate that construction is eligible for a permit, the applicant shall provide the Department with sufficient information pertaining to the proposed project to show that adverse and other any impacts associated with the construction have been minimized and that the construction will not result in a significant adverse impact.

(3) No change.

(a) No change.

(b) Deny any application for an activity where the project has not met the Department’s Require siting and design criteria; has not that minimized adverse and other impacts, including stormwater runoff; or has not and provided mitigation of adverse impacts.

(4) No change.

(a) through (b) No change.

(c) The construction will not direct discharges of water or other fluids in a seaward direction and in a manner that would result in significant adverse impacts. For the purposes of this rule section, construction shall be designed so as to minimize erosion induced surface water runoff within the beach and dune system and to prevent additional seaward or off-site discharges associated with a coastal storm event.

(c) through (f) renumbered (d) through (g) No change.

~~(h)(g)~~ The construction will not cause a significant adverse impact to marine turtles, ~~immediately adjacent properties~~, or the coastal system.

(5) No change.

(6) Sandy material excavated seaward of the control line or 50-foot setback shall be maintained on site ~~remain~~ seaward of the control line or 50-foot setback and be placed in the immediate area of construction unless otherwise specifically authorized by the Department permit.

(7) through (8) No change.

(9) If in the immediate area a number of existing major structures have established a reasonably continuous and uniform construction line and if the existing structures have not been unduly affected by erosion, except where not allowed by the requirements of Section 161.053(6), F.S., and this rule chapter, the Department shall issue a permit for the construction of a similar structure up to that line, ~~unless such construction would be inconsistent with subsections 62B-33.005(3), (4), (7), (8), or (10), F.A.C.~~

(10) No change.

(11) In considering project impacts to native salt-tolerant vegetation, the Department shall evaluate the type and extent of native salt-tolerant vegetation, the degree and extent of disturbance by invasive nuisance species and mechanical and other activities, the protective value to adjacent structures and natural plant communities, the protective value to the beach and dune system, and the impacts to marine turtle nesting and hatchlings. The Department shall restrict limit disturbances to activities that lower the protect value of natural and intact salt-tolerant plant communities, including beach and dune, coastal strand, and maritime hammock plant communities that significantly interact with the coastal system. Activities that result in the removal of protective root systems or reduce the vegetation's sand trapping and stabilizing properties of salt tolerant vegetation are considered to lower its protective value. Construction shall be located, where practicable possible, in previously disturbed areas or areas with non-native vegetation in lieu of areas of native plant communities when the placement does not increase adverse impact to the beach and dune system. Planting of invasive nuisance plants, such as those listed in the current Florida Exotic Pest Plant Council's 2003 List of Invasive Species – Categories I and II (published May 20, 2003), will not be authorized if the planting will result in removal or destruction of existing dune-stabilizing native vegetation or if the planting is to occur on or seaward of the dune system. A copy of this list is available on the Internet at www.fleppc.org; or can be obtained by writing to the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000; or by telephoning (850)488-7708 ~~487-4475, extension 108~~. Special conditions relative to the nature, timing, and sequence of construction and the remediation of construction impacts shall

be placed on permitted activities when necessary to protect native salt-tolerant vegetation and native plant communities. A construction fence, a designated location for construction access or storage of equipment and materials, and a restoration plan shall be required if necessary for protection of existing native salt-tolerant vegetation during construction.

(12) Special conditions relative to the nature, timing, and sequence of construction shall be placed on permitted activities when necessary to protect marine turtles and their nests and nesting habitat. In marine turtle nesting areas, all forms of lighting shall be shielded or otherwise designed so as not to disturb marine turtles. Tinted glass or similar light control measures shall be used for windows and doors which are visible from the nesting areas of the beach. The Department shall suspend any permitted construction when the permittee has not provided the required protection for marine turtles and their nests and nesting habitat.

Specific Authority 161.053 FS. Law Implemented 161.052, 161.053 FS. History–New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.05, 16B-33.005, Amended 9-12-96, 1-26-98, 8-27-00, 6-13-04, _____.

62B-33.0051 Coastal Armoring and Related Structures.

(1) No change.

(a) No change.

1. through 2. No change.

a. No change.

b. Where there are multiple eligible structures in close proximity to one another each other, but not all of the structures are vulnerable and shoreline trends indicate continued erosion stress on the shoreline, and the Department determines through the use of numerical modeling and engineering analysis that the construction of armoring for only the vulnerable structures would cause the adjacent structures to become vulnerable following installation of the armoring, then all the eligible structures are considered vulnerable.

c. through d. No change.

3. through 5. No change.

(b) through (d) No change.

(2) No change.

(a) No change.

1. No change.

2. If armoring must be located close to the dune escarpment in order to meet the criteria listed above and such siting would result in destabilization of the dune causing damage to the upland structure, the armoring shall be sited seaward of, and as close as practicable possible to, the dune escarpment.

3. Armoring shall be sited a sufficient distance inside the property boundaries to prevent destabilizing the beach and dune system on adjacent properties or increasing erosion of such properties during a storm event. Return walls shall be

sited as close to the building as practicable possible while ensuring the building is not damaged and space is allowed for maintenance.

4. through 5. No change.

(b) through (c) No change.

(3) through (4) No change.

(5) Emergency Protection. Upon the occurrence of a coastal storm which causes erosion of the beach and dune system such that existing structures have either become damaged or vulnerable to damage from a subsequent frequent coastal storm, pursuant to Section 161.085, F.S., the governmental entity agency, political subdivision, or municipality having jurisdiction over the eligible structures may take provide emergency protection measures to protect public infrastructure and private structures within its jurisdiction. Alternatively, upon declaring a shoreline emergency and providing notification to affected property owners and to the Department, the governmental entity the agency, political subdivision, or municipality having jurisdiction over the structures may issue permits authorizing authorize by permit, pursuant to this rule chapter and other appropriate ordinances, rules, and statutes, private property owners within their jurisdiction to protect their private structures once it declares an emergency and notifies the property owners who may be affected and the Department in accordance with Section 161.085, F.S. Emergency protection measures shall be subject to the following:

(a) If the Department has declared a shoreline emergency pursuant to this rule chapter and affected governmental entities agencies, political subdivisions, and municipalities do not provide for emergency protection permits, pursuant to Section 161.085, F.S., and this rule section, then private property owners must obtain such permits from the Department prior to construction.

(b) Emergency protection timelines shall be as follows: shall take place within 30 days after the initial erosion event. Delay in providing protection in excess of 30 days from the declaration of emergency shall result in a finding of no emergency, and emergency protection pursuant to this rule section shall no longer be authorized. Agencies, political subdivisions, or municipalities may extend this period up to 30 additional days upon revalidation of the emergency conditions.

1. If a governmental entity declares a localized emergency event and the Department does not issue an emergency final order, emergency protection measures shall be taken within 30 days after the initial erosion event. Delay in providing protection measures in excess of 30 days from the declaration of emergency shall result in a finding of no emergency, and emergency protection pursuant to this rule section shall no longer be authorized. Governmental entities may extend this period up to 30 additional days upon their revalidation of the emergency conditions.

2. If the state of Florida declares a shoreline emergency, emergency protection measure timelines for activities considered under Section 161.085, F.S., shall be concurrent with the Department's emergency final order timelines.

(c) Measures used for temporary protection shall be the minimum required as determined by the governmental entity local government pursuant to Section 161.085, F.S., to protect the structure from imminent collapse. Armoring or other measures shall be sited and designed to minimize excavation of the beach and frontal dune; impacts to existing native coastal vegetation, marine turtles, and adjacent properties; and encroachment onto the beach. Temporary protection shall be sited and designed to facilitate removal.

(d) No change.

1. Temporary reinforcement of foundations, placement of sandbags, and construction of protective sand berms. Sand used to fill sandbags or construct protective berms shall be beach compatible material and be obtained from an upland source. Excavation of the beach face or near shore area shall require a permit from the Department, pursuant to this rule chapter. Any excavation that occurs below the mean high water line on sovereignty lands is subject to the provision of Section 161.041 and Chapter 253, F.S.

2. No change.

(e) through (h) No change.

(i) Under Section 161.085, F.S., if installation of a temporary emergency protection structure has caused, is causing, or has the reasonable potential to cause a significant adverse impact, the governmental entity that agency, political subdivision, or municipality which authorized the structure shall conduct or require appropriate action to eliminate any significant adverse impact.

(j) through (k) No change.

1. through 3. No change.

4. In order to be prepared for coastal emergencies, local governmental entities agencies, political subdivisions, or municipalities who anticipate installing or authorizing emergency coastal protection structures should obtain a federal Endangered Species Act, Section 10, Incidental Take authorization from the United States Fish and Wildlife Service through the development of a marine turtle habitat conservation plan.

(l) Governmental entities Agencies, political subdivisions, or municipalities shall notify the Department's Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399 3000, within three working days of installing or authorizing the installation of any armoring pursuant to this rule section (overnight delivery to Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304, or facsimile copy to (850)488-5257). Notification shall include:

1. through 3. No change.

(m) No change.

(6) No change.

(a) through (b) No change.

(c) Where applicable, an inlet management plan has been adopted by the Department and implemented by the governmental entity agency, municipality, or political subdivision having jurisdiction over the inlet.

Specific Authority 161.053, 161.085 FS. Law Implemented 161.052, 161.053, 161.085 FS. History—New 9-12-96, Amended 1-26-98, 8-27-00, 7-1-01, 6-13-04, 7-3-05,_____.

62B-33.007 Structural and Other Requirements Necessary for Permit Approval.

(1) No change.

(2) Upon the March 1, 2002 effective date of the Florida Building Code Act (pursuant to Sections 553.73 and 553.79, F.S.), the standards contained in this rule section shall be enforced by the local governments, except as noted in subsection 62B-33.007(1) and paragraphs 62B-33.007(4)(k) and (l), F.A.C.

(3) through (4) No change.

(a) through (j) No change.

(k) Fishing or ocean piers or the extension of existing fishing or ocean piers shall be designed to withstand at a minimum the erosion, scour, and loads accompanying a 20-year storm event. Pier decking and rails may be designed to be an expendable structure. Major structures constructed on the pier shall be designed for the wind loads as set forth in the FBC this rule section. Pile foundations shall not obstruct the longshore sediment transport and shall be designed to minimize any impact to the shoreline or coastal processes.

(l) through (m) No change.

(5) No change.

Specific Authority 161.053 FS. Law Implemented 161.052(2), 161.053 FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.07, Amended 5-12-92, Formerly 16B-33.007, Amended 9-12-96, 1-26-98, 8-27-00, 12-31-01, 6-13-04,_____.

62B-33.008 Permit Application Requirements and Procedures.

(1) No change.

(2) Applications received by the Department after the March 1, 2002 effective date of the Florida Building Code Act shall not be required to comply with the provisions of paragraphs 62B-33.008(3)(j), and subsection 62B-33.008(4), F.A.C., except as noted in subsection 62B-33.008(1), F.A.C.

(3) Any person desiring to obtain a permit for construction seaward of the coastal construction control line (CCCL) or 50-foot setback from the Department, except those persons applying pursuant to the emergency procedures in Rule 62B-33.014, F.A.C., shall submit two copies of a completed application form, ~~only one of which is to include the required~~

~~attachments~~, to the Bureau at the address below. The permit application form, which is entitled “Application for a Permit for Construction Seaward of the Coastal Construction Control Line or Fifty-Foot Setback” – DEP Form 73-100 (Revised 12/06 4/04), is hereby adopted and incorporated by reference. Copies of the form can be obtained by writing the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000; or by telephoning (850)488-7708. The application shall contain the following specific information:

(a) through (b) No change.

(c) Sufficient evidence of ownership including the legal description of the property for which the permit is requested. Examples of Sufficient evidence of ownership may includes a copy of an executed warranty deed bearing evidence of appropriate recordation; a copy of a long term lease-purchase agreement, or contract for deed; a copy of a property tax receipt bearing the name and address of the current owner; articles of condominium bearing evidence of appropriate recordation (for condominiums); or the cooperative documents defined in Section 719.103(13)(9)(a), F.S. (for residential cooperatives). Other documents submitted as evidence of ownership will be reviewed by the staff and shall be rejected if found not to be sufficient. A copy of a quit claim deed, a purchase contract, or an affidavit from the owner, or a tax record obtained from an Internet website (unless obtained from an authenticated official county record) is not sufficient evidence of ownership. If the applicant is not the property owner, the applicant shall submit certification on the form provided by the Department as part of the permit application form, which is referenced in subsection 62B-33.008(3), F.A.C., authorizing the applicant to act as the owner’s agent for the purpose of applying for a permit and to act on behalf of the owner in other matters pertaining to the permit.

(d) Written evidence, provided by the appropriate local governmental entity agency having jurisdiction over the activity, that the proposed activity, ~~that the proposed activity~~, as submitted to the Bureau, does not contravene local setback requirements or zoning codes ~~and is consistent with the state approved Local Comprehensive Plan~~.

(e) through (f) No change.

(g) For major and rigid coastal structures, ~~two copies one~~ copy of a dimensioned site plan drawn drawing to an appropriate scale, on 8 1/2-inch by 11-inch size paper showing property boundaries, the location of the proposed structure(s), the proposed construction limits, ~~and~~ the location and volume of any proposed excavation or fill, and the locations of roads, adjacent dwellings, the vegetation line, and the approximat mean high water line ~~all distances and locations as referenced in subsection 62B-33.008(1), F.A.C.~~

(h) For major and rigid coastal structures, two copies of dimensioned cross-sections drawn one copy of a dimensioned cross-sectional drawing to an appropriate scale, on 8 1/2-inch by 11-inch paper, showing:

1. All subgrade construction or excavation with elevations referenced to ~~the NAVD of 1988~~ (U.S. survey foot).
2. Typical cross-sections ~~view of major structures the structural components above grade with elevations for the underside of the building support structure~~ and crest elevations for any proposed coastal or shore protection structure.
3. through 4. No change.
5. The location of the contour line corresponding to elevation 0.0 NAVD ~~of 1988~~ (U.S. survey foot).

(i) For structures with proposed permanent exterior lighting, two copies one copy of a dimensioned lighting plan drawn drawing to an appropriate scale, ~~on 8 1/2-inch by 11-inch paper~~, showing:

1. No change.
2. A table with the column headings shown below providing the specified information for each fixture model used, and

Symbol	Fixture (e.g., name or of stock number)	Total Number of Each Fixture	Bulb Lumens Output Wattage and Type (e.g., 420 lumens output standard incandescent 40-watt yellow "bug" bulb lamp)	Type of Mount (e.g., wall, pole, bollard)	Mounting Height

3. No change.

4. Multi-family and commercial project applications shall include three copies of the items listed in rule subparagraphs 62B-33.008(3)(i)1. through 3., F.A.C.

(j) No change.

(k) For major habitable multifamily dwelling structures, two copies of detailed foundation plans and specifications. These documents shall be signed and sealed by an engineer or architect (as appropriate) licensed in the state of Florida.

~~(l) Two copies of a dimensioned site plan. The drawings shall be signed and sealed by an architect, engineer, landscape architect, or professional surveyor and mapper (as appropriate) licensed in the state of Florida. The site plan shall include: Two copies of a dimensioned detailed site plan and grading plan, as necessary, to an appropriate scale showing the location of the proposed structure(s) with respect to the CCCL, the location of the proposed construction limits, and the location and volume of any proposed excavation or fill, and all distances and locations as referenced in subsection~~

~~62B-33.0081(1), F.A.C. These documents shall be signed and sealed by a design engineer or architect licensed in the sState of Florida.~~

1. The locations and exterior dimensions of all proposed structures, including foundations and other activities, and the bearings and distances from the CCCL or 50-foot setback to the seaward corners of the foundations of any major structures or the seaward limit of any coastal or shore-protection structure.

2. Dimensions and locations of the foundation outlines of any existing structures on adjacent properties and distances from the CCCL or 50-foot setback to the seaward corners of the foundations of any existing structures or the seaward limit of any coastal or shore-protection structure. These measurements shall include all structures that the applicant contends have established a reasonably continuous and uniform construction line for permits requested under the provisions of Sections 161.052(2)(b) or 161.053(5)(b), F.S.

3. Dimensions and locations of the foundation outlines of any existing structures on the subject property and distances from the CCCL or 50-foot setback to the seaward corners of the foundations of any major structures or the seaward limit of any coastal or shore-protection structure.

4. The horizontal location of the erosion control line (if one exists), any contour lines corresponding to elevation 0.00, the approximate contour of mean high water and the seasonal high water, and the horizontal location of the seaward line of vegetation and outlines of existing natural vegetation.

5. The horizontal location of the CCCL or the 50-foot setback (if no CCCL is established for the county in which the property is located) for the full width of the subject property, including the location and full stamping of the two nearest Department or published second order or higher horizontal control points.

6. The location and dimensions of the property boundary, rights of way, and easements, if any.

7. The property owner and project name, street address, scale, north arrow, sheet number, and date of drawings.

8. The location of work limits, construction fences, and dune features and vegetation to be protected during construction.

(m) Two copies of a dimensioned grading plan. The drawings shall be signed and sealed by an architect, engineer, landscape architect, or professional surveyor and mapper (as appropriate) licensed in the State of Florida. The grading plan shall include:

1. Existing and proposed elevations and contours and spot elevations.

2. For any proposed excavation or fill:

a. A table of all permanent, temporary, and net excavation and fill volumes seaward of the CCCL;

b. The storage locations and description of handling methods for all temporary excavation and fill material; and

c. Soil and geotechnical data for beach compatible imported or excavated material proposed for placement on the beach seaward of a frontal dune or on the sandy beach.

(n) Two copies of dimensioned cross-sections. The drawings shall be signed and sealed by an architect, engineer, landscape architect, or professional surveyor and mapper (as appropriate) licensed in the State of Florida. The cross-sections shall include a typical view from the mean high water line to the CCCL depicting all structures and building elevations, proposed and existing grades, subgrade construction, excavation, fill, and elevations for any proposed or existing rigid coastal structures.

(o)(4) For rigid coastal structures, two copies of a dimensioned site plan and detailed final construction plans and specifications for all proposed structures or excavation. These documents shall be signed and sealed by an the design engineer licensed in the State of Florida and shall bear the certification specified in paragraph 62B-33.0051(2)(c), F.A.C., and the site plan shall include all information required in subsection 62B-33.0081(1), F.A.C.

(p)(m) Details, including engineering design computations, for any proposed waste or storm water discharge onto, over, under, or across the beach and dune system, such as storm water runoff, swimming pool drainage, well discharge, domestic waste systems, or outfalls. For multi-family dwellings, commercial developments, paved roadways, parking lots, and any de-watering projects, the applicant shall provide two copies of a dimensioned storm water management plan or other drainage plan(s). These plans shall show all conveyance systems (pipes, swales, culverts, wells, catchbasins, outlets), retention areas, invert elevations, and surface runoff drainage arrows.

(n) through (o) renumbered (q) through (r) No change.

(4) No change.

(5) The staff shall require the applicant to provide other site specific information or calculations as is necessary for proper evaluation of the application. The dimensions for the plans and survey information referenced in this section shall be submitted in U.S. Customary System Standard Imperial (English) units. Structures shall be located with distances measured perpendicular to the control line, 50-foot setback line, or the mean high water line, as appropriate. All elevations in this Rule shall be referenced to NAVD 88 (U.S. survey foot). Site, grading, drainage, and landscape plans as well as cross-sections shall be drawn to a scale no smaller than 1" = 40' in the horizontal dimension.

(6) The Department recognizes that the requirements specified in paragraphs 62B-33.008(3)(f) through (r) (4)(f), (g), (h), (i), (j), (k), (l), (m), (n), and (o), and Rule 62B-33.0081, F.A.C., may not, due to the project specific circumstances, be applicable or necessary to ensure protection to the beach and dune system. In such cases, the applicant shall, as part of the

application, identify those requirements and state the reason why they are inapplicable. The Department shall waive requirements that do no apply.

(7) No change.

~~(8) Notwithstanding the provisions under subsection 62B-33.008(7), F.A.C., an applicant whose permit application was received prior to the effective date of the FBC shall have 90 days from the effective date of the FBC in which to submit the information to the Department. If an applicant requires more than 90 days in which to provide the information, the applicant may notify the Department in writing of the circumstances, at which time the application shall be held in active status for one additional period of up to 90 days. No additional extensions shall be granted. Failure of the applicant to provide the timely requested information by the applicable deadline shall result in a denial of the application.~~

~~(8)(9) If the Department has received a permit application but has not taken final agency action on it and a major change in coastal conditions occurs, which in the determination of the Department renders the information already reviewed insufficient, then the Department shall notify the applicant that they must submit additional information must be submitted for Departmental review and provide a written waiver of the requirements of Section 120.60, F.S., must be provided or the Department shall deny the application.~~

~~(10) Permits shall be suspended or revoked in accordance with Rule 62 4.100, F.A.C. In addition, a permit shall be suspended, revoked, or modified by the Department if shoreline changes occurring subsequent to issuance of the permit render the previously authorized activities inconsistent with Chapter 161, F.S., or this rule Chapter 62B 33, F.A.C.~~

~~(9)(11) Permits for major structures shall expire three years from the date of issuance unless the Department receives a written request for extension from the applicant demonstrating that the construction phase of the project cannot be completed within three years. In such case, permits for major structures shall expire five years from the date of issuance. Permits for minor structures shall expire one year from the date of issuance. Once a permit has expired, all activity authorized must cease unless a new permit, a time extension, pursuant to subsection 62B-33.013(3), F.A.C. or a permit renewal pursuant to subsection 62B-33.013(4), F.A.C., is approved by the Department.~~

~~(10)(12) Any substantial modification to a complete application shall require an additional processing fee determined pursuant to subsection 62B-33.0085(4), F.A.C., and shall restart the time requirements of Section 120.60, F.S. For purposes of this rule section, the term "substantial modification" shall mean a modification that which is reasonably expected to lead to new or increased adverse impacts that require a detailed review.~~

~~(11)~~(13) As an alternative to the above procedure, the Department issues field permits for certain minor structures and activities if the Department determines the activity has minor impacts. The field permit form ~~that, which~~ is entitled "Field Permit Pursuant to Section 161.053 or 161.052, F.S.," DEP Form 73-122 (Revised 3/05 New 5-00), is hereby adopted and incorporated by reference. A copy of the form can be obtained by writing to the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, or by telephoning (850)~~488-7708~~ 487-4475, extension 108.

(12) Requests for the Department to determine that the proposed activity is exempt from permitting pursuant to the provisions of Section 161.053(12)(b), F.S., shall include, at a minimum, a survey meeting the requirements of Rule 62B-33.0081, F.A.C., and a site plan meeting the requirements of paragraph 62B-33.008(3)(k), F.A.C. The Department may require additional information to determine whether or not the project will cause a measurable interference with the natural functioning of the coastal system. The Department recognized that the requirements specified above may not be necessary to make an exemption determination. In such cases, the applicant shall, as part of the request for exemption, identify those requirements and state the reason why they are inapplicable. The Department shall waive requirements that do not apply.

Specific Authority 161.053 FS. Law Implemented 161.052, 161.053 FS. History—New 11-18-80, Amended 7-7-81, 3-17-85, 11-10-85, Formerly 16B-33.08, Amended 8-7-86, Formerly 16B-33.008, Amended 1-26-98, 8-27-00, 12-31-01, 6-13-04, _____.

62B-33.0081 Survey Requirements.

(1) No change.

(a) No change.

(b) All vertical data datum specified on the survey shall be and referenced to the NAVD of 1988 (U.S. survey foot) in feet.

(c) through (d) No change.

(e) Legal description of the property.

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

~~(h)~~(g) The horizontal location of the CCCL or the 50-foot setback (if no CCCL is established for the county in which the property is located) for the full width of the subject property, including the location and full stamping of the two nearest Department or published second 2nd order or higher horizontal control points.

~~(i)~~(h) The horizontal location of the erosion control line, if one exists,;

~~(j)~~(i) The horizontal locations of the contour lines corresponding to elevation 0.00, the approximate contour of the mean high water MHW, and the contour of the seasonal high water.

(j) through (l) renumbered (k) through (m) No change.

~~(n)~~(m) If the permit is requested under the provisions of Section 161.053(5)(b) or 161.052(2)(b), F.S., the survey shall show the dDimensions and locations of the foundation outlines of any existing structures in the immediate contiguous or adjacent areas that the applicant contends have established a reasonably continuous and uniform construction line, ~~if the permit is requested under the provisions of Section 161.053(5)(b) or 161.052(2)(b), F.S.~~ The survey shall show bearings and distances perpendicular from the CCCL or 50-foot setback to the seaward corners of the foundations of any major structures or the seaward limit of the crest or cap at the extremities of any coastal or shore protection structure, including the down line bearings and distances from the nearest point of intersection of the CCCL and the established perpendicular intersection, ~~shall be shown on the survey.~~

(2) No change.

(a) No change.

(b) At least two CCCL Map of Record control points or any two published second 2nd order or higher horizontal control points shall be used in the location traverse. The bearing and distance from the nearest control monuments to the points of intersection on the CCCL shall be shown upon the survey.

(c) The survey shall provide the Florida State Plane Coordinates referenced to NAD 83/90 (U.S. survey foot) for two consecutive property corners on the subject property and the perpendicular bearings and distances to the most recently recorded CCCL or 50-foot setback, including the down-line bearing and distance from the nearest point of intersection of the CCCL and the established perpendicular intersection.

(3) No change.

(a) through (b) No change.

(c) Identification of the Geodetic Control that was held fixed or used as Base Station installation. The Geodetic Control that was checked or allowed to take adjustment. When using real-time kinematic carrier phase processing, at least one additional control monument shall will be occupied and a statistical comparison to the published values shall be provided.

(d) through (f) No change.

(g) The survey drawings shall include the following notes or equivalent:

1. through 2. No change.

3. The survey shall provide the Florida State Plane Coordinates referenced to NAD 83/90 (U.S. survey foot) for two consecutive property corners on the subject property and the perpendicular bearings and distances to the most recently recorded CCCL or 50-foot setback, including the down line bearing and distance from the nearest point of intersection of the CCCL and the established perpendicular intersection.

4. No change.

Specific Authority 161.053 FS. Law Implemented 161.052, 161.053 FS. History—New 6-13-04, Amended _____.

62B-33.013 Permit Modifications, Time Extensions, and Renewals.

(1) through (2) No change.

(3) The permittee or authorized agent may request an extension of the permit expiration date by filing a written request with the Bureau prior to the permit expiration date. If a request for a time extension is completed pursuant to paragraph 62B-33.013(3)(a), F.A.C., and received prior to the permit expiration date, the permit will be valid until the Department acts upon the extension request. If a timely but incomplete request for a time extension is received, construction must cease upon the expiration date of the permit and shall not restart until the request is complete or until the Department acts upon the request. Time extensions for major structures can be issued for periods of up to three years. The total time extensions shall not extend beyond three years from the permit's original expiration date. The request shall be made using the time extension form entitled "Application for a Permit Time Extension Pursuant to Rule 62B-33.013, F.A.C."; DEP Form 73-113 (Revised 7/04 ~~4/04~~), which is hereby adopted and incorporated by reference. A copy of the form can be obtained by writing to the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, or by telephoning (850)~~488-7708~~ 487-4475, extension 108.

(a) No change.

1. through 2. No change.

3. A copy of a valid building permit or evidence provided by the applicable county or municipality that the authorization previously provided under paragraph 62B-33.008(3)(d), F.A.C., ~~shall~~ will remain in effect throughout the duration of the requested time extension;

4. through 5. No change.

(b) No change.

1. No change.

2. Application for a time extension is made after the expiration date of the permit; ~~or~~

3. Construction has not started within the five-year period following the date of permit issuance for a major structure;

4. The permit has previously been extended to the limit allowed under this subsection or renewed pursuant to subsection 62B-33.013(4), F.A.C.; or

5. The time extension request would extend the expiration date beyond three years from the permit's original expiration date.

(4) through (5) No change.

Specific Authority 161.053 FS. Law Implemented 161.052, 161.053 FS. History—New 11-18-80, Amended 3-17-85, Formerly 16B-33.13, 16B-33.013, Amended 1-26-98, 8-27-00, 6-13-04, _____.

62B-33.014 Emergency Procedures.

(1) A "shoreline emergency" declared by the Governor or the Department is any unusual incident resulting from a hurricane, storm, or other violent coastal disturbance that has resulted in erosion, beach or coastal damage, sudden and unpredictable hazards to navigation, damage to upland structures, or any other unusual incident from natural or unnatural causes that endangers the coastal system or health, safety, welfare, or resources of the citizens of the state. Permits approved under the emergency procedures described in this rule section are intended to alleviate conditions resulting from a shoreline emergency and for purposes of this rule section shall be referred to as "emergency permits".

(2) No change.

(a) Designated representatives of the Department shall ~~process~~ issue emergency permits upon the request for an emergency field permit or the submittal of an emergency permit application. All construction shall be reasonably expected to be completed within ninety (90) days of permit issuance;

(b) Emergency field permits that are processed pursuant to subsection 62B-33.008(13), F.A.C., may be issued for construction, including but not limited to: temporary or remedial activities to protect structures; repair or replace minor structures, including dune walkovers, retaining walls, decks, and gazebos; dune restoration with beach compatible sand; repair or replacement of minor damages to coastal armoring structures, including bulkhead or seawall caps, return walls, tiebacks, individual sheet piles, and armor stone; and other similar activities;

(c) Emergency permit applications may be submitted for the following activities: permanent foundation repair to major structures, repair or reconstruction of major structures, or repair or reconstruction of major damages to coastal armoring structures. The request shall be submitted using the form entitled "Emergency Permit Application Pursuant to Section 161.052 or 161.053, F.S." – DEP Form 73-303 (New 12/06), which is hereby adopted and incorporated by reference;

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

(3) Emergency permit processing procedures shall be designated for no longer than the period stated in the executive order. ~~However, if the permittee demonstrates that the emergency conditions still exist and that failure to complete the project was beyond the permittee's control, the Department shall authorize emergency permit processing extensions, of 30 days each, not to exceed three (3) extensions, concurrent with an emergency final order.~~

(4) Emergency permits shall expire 90 days after the date of issuance unless an earlier date is specified in the permit. If the permittee demonstrates that the emergency conditions still exist and that failure to complete the project was beyond the permittee's control, the Department shall grant an extension of no more than 90 days after the initial expiration date.

(4) through (5) renumbered (5) through (6) No change.

~~(6) Emergency permits shall expire 90 days after the date of issuance unless an earlier date is specified in the permit. If the permittee demonstrates that the emergency conditions still exist and that failure to complete the project was beyond the permittee's control, the Department shall grant an extension of no more than 90 days after the initial expiration date.~~

Specific Authority 161.053 FS. Law Implemented 161.041, 161.052, 161.053 FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.14, 16B-33.014, Amended 1-26-98, _____.

62B-33.0155 General Permit Conditions.

(1) No change.

(a) The permittee shall carry out the construction or activity for which the permit was granted in accordance with the plans and specifications that were approved by the Department as part of the permit. Deviations therefrom, without written approval from the Department, shall be grounds for suspension of the work and revocation of the permit pursuant to Section 120.60(7), F.S., and shall result in assessment of civil fines or issuance of an order to alter or remove the unauthorized work structure, or both. No other construction or activities shall be conducted. No modifications to project size, location, or structural design are authorized without prior written approval from the Department. A copy of the notice to proceed shall be conspicuously displayed at the project site. Approved plans shall be made available for inspection by a Department representative.

(b) through (e) No change.

(f) Construction traffic shall not occur ~~be operated~~ and building materials shall not be stored on vegetated areas seaward of the control line unless specifically authorized by the permit. If the Department determines that this requirement is not being met, positive control measures, such as temporary fencing, designated access roads, adjustment of construction sequence, or other requirements, shall be provided by the permittee at the direction of the Department. Temporary construction fencing shall not be sited within marine turtle nesting habitats.

(g) through (i) No change.

(j) Any native salt-tolerant vegetation destroyed during construction shall be replaced with plants of the same species or, by authorization of the Department, with other native salt-tolerant vegetation suitable for beach and dune stabilization. Unless otherwise specifically authorized by the Department, all plants installed in beach and coastal areas – whether to replace vegetation displaced, damaged, or destroyed during construction or otherwise – shall be of species indigenous to Florida beaches and dunes, such as sea oats, sea grape, saw palmetto, panic grass, saltmeadow hay cordgrass, seashore saltgrass, and railroad vine, and grown from stock indigenous to the region in which the project is located.

(k) through (o) No change.

(p) The permittee shall immediately inform the Bureau of any change of mailing address of the permittee and any authorized agent until all requirements of the permit are met.

(q) For permits involving major structures or activities, the permittee shall submit to the Bureau periodic progress reports on a monthly basis beginning at the start of construction and continuing until all work has been completed. If a permit involves either new armoring or major reconstruction of existing armoring, the reports shall be certified by an engineer licensed in the State of Florida. The permittee or engineer, as appropriate, shall certify that as of the date of each report all construction has been performed in compliance with the plans and project description approved as a part of the permit and with all conditions of the permit, or shall specify any deviation from the plans, project description, or conditions of the permit. The report shall also state the percent of completion of the project and each major individual component. The reports shall be provided to the Bureau using the form entitled “Periodic Progress Report” – DEP Form 73-111 (Revised 6/04 ~~4/04~~), which is hereby adopted and incorporated by reference. Permits for minor structures or activities do not require submittal of periodic reports unless required by special permit condition.

(r) For permits involving habitable major structures, all construction on the permitted structure shall stop when the foundation pilings have been installed. At that time the foundation location form shall be submitted to and accepted by the Bureau prior to proceeding with further vertical construction above the foundation. The form shall be signed by a professional surveyor, licensed pursuant to Chapter 472, F.S., and shall be based upon such surveys performed in accordance with Chapter 472, F.S., as are necessary to determine the actual configuration and dimensioned relationship of the installed pilings to the control line. The information shall be provided to the Bureau using the form entitled “Foundation Location Certification” – DEP Form 73-114B (Revised 9/05 ~~4/04~~), which is hereby adopted and incorporated by reference. Phasing of foundation certifications is acceptable. The Department shall notify the permittee of approval or rejection of the form within seven (7) working days after staff receipt of the form. All survey information upon which the form is based shall be made available to the Bureau upon request. Permits for repairs or additions to existing structures with nonconforming foundations are exempt from this condition.

(s) For permits involving major structures, the permittee shall provide the Bureau with a report by an engineer or architect licensed in the State of Florida within thirty (30) days following completion of the work. The report shall state that all locations specified by the permit have been verified and that other construction and activities authorized by the permit have been performed in compliance with the plans and project description approved as a part of the permit and all conditions

of the permit; or shall describe any deviations from the approved plans, project description, or permit conditions, and any work not performed. Such report shall not relieve the permittee of the provisions of paragraph 62B-33.0155(1)(a), F.A.C. If none of the permitted work is performed, the permittee shall inform the Bureau in writing no later than 30 days following expiration of the permit. The report shall be provided on the form entitled "Final Certification" DEP Form 73-115B (Revised 9/05 ~~4/04~~), which is hereby adopted and incorporated by reference.

(t) No change.

(2) through (3) No change.

(4) This permit does not authorize trespass onto other property.

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

~~(6)~~(5) Copies of any forms referenced above can be obtained by writing to the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, or by telephoning (850)488-7708 ~~487-4475, extension 108.~~

Specific Authority 161.053 FS. Law Implemented 161.052, 161.053 FS. History--New 6-13-04, Amended_____.

62B-33.024 Thirty-Year Erosion Projection Procedures.

(1) through (2) No change.

(a) through (b) No change.

(c) Some shoreline areas, such as those adjacent to or in the vicinity of inlets without jetty structures, can experience large-scale beach-width fluctuations with or without net erosional losses. Other beach areas can fluctuate greatly due to the observed longshore movement of large masses of sand, sometimes referred to as sand waves. In these areas, a 30-year erosion projection shall be estimated from the available data at the SHWL landward limit of the large beach-width fluctuations within the last 100 years, ~~plus the application of a net erosion rate, as described in paragraph 62B-33.024(2)(a), F.A.C., if such can be determined from the available data.~~

(d) through (h) No change.

(3) No change.

Specific Authority 161.053 FS. Law Implemented 161.053(6) FS. History--New 11-10-85, Formerly 16B-33.24, 16B-33.024, Amended 1-26-98, 6-13-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mimi Drew, Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan Bedwell, Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2005

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.:

RULE TITLE:

64B9-3.002

Qualifications for Examination

PURPOSE AND EFFECT: The purpose of the rule amendment is to delete completion of English as a Second Language as a method to demonstrate competency because completion of that course has not been demonstrated to result in sufficient competency for safe nursing practice. In addition, the Board is adding language requiring that courses completed to establish the required education be passed with a score approved as passing at the institution at which each course was taken.

SUMMARY: The existing language of the rule is revised to delete completion of English as a Second Language as a method to demonstrate competency because completion of that course has not been demonstrated to result in sufficient competency for safe nursing practice. In addition, language has been added requiring that courses completed to establish the required education be passed with a score approved as passing at the institution at which each course was taken.

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: 464.006 FS.

LAW IMPLEMENTED: 112.011(1)(b), 456.013, 464.008 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: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-3.002 Qualifications for Examination.

(1) An applicant seeking certification to take the licensure examination shall submit, on forms provided by the Department, evidence that he or she meets the qualifications prescribed by the Nurse Practice Act, Chapter 464, F.S. Such evidence shall consist of:

(a) through (b) No change.

(c) For graduates of an approved nursing program, a notice of graduation or of completion of the requirements for graduation. For graduates of an approved program equivalent, an official transcript or equivalent documentation which identifies all courses completed with a minimum acceptable passing score established by the institution or program at which each course was completed that meet graduation

requirements. If the applicant is seeking to qualify to write the examination on the basis of education received in a country other than the United States, the applicant must obtain a report by a credentialing agency that meets the requirements of Rule 64B9-3.014, F.A.C.

(d) No change.

(e) Successful completion of any one of the approved English competency examinations with:

1. through 9. No change.

~~10. Completion of English as a Second Language (ESOL) through Level IV.~~

(f) No change.

(2) through (5) No change.

Specific Authority 464.006 FS. Law Implemented 112.011(1)(b), 456.013, 464.008 FS. History–New 4-27-80, Amended 3-16-81, 8-2-81, 7-11-83, Formerly 21O-8.21, Amended 3-3-87, 12-8-87, 6-8-88, Formerly 21O-8.021, Amended 1-30-94, Formerly 61F7-3.002, Amended 9-25-96, Formerly 59S-3.002, Amended 7-27-98, 4-19-00, 5-8-01, 9-23-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

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

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: RULE TITLE:

64B12-8.008 Probable Cause Panel

PURPOSE AND EFFECT: The Board proposes to add language that may allow another member on the panel.

SUMMARY: The amendment will allow another person to serve on the panel.

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: 456.073(4), 484.005 FS.

LAW IMPLEMENTED: 456.073(3) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-8.008 Probable Cause Panel.

(1) The determination as to whether probable cause exists to believe that a violation of the provisions of Chapter 456 or 484, F.S., or of the rules promulgated thereunder has occurred, shall be made by majority vote of the probable cause panel.

(2) The probable cause panel must have a minimum ~~shall be composed~~ of 2 members, one of which may be a former Board member who holds an active valid license to practice opticianry.

Specific Authority 456.073(4), 484.005 FS. Law Implemented 456.073(3) FS. History–New 12-6-79, Formerly 21P-8.08, Amended 1-26-88, 9-21-92, Formerly 21P-8.008, 61G13-8.008, 59U-8.008, Amended 8-6-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2006

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:

64B15-13.001 Continuing Education for Biennial Renewal

PURPOSE AND EFFECT: The purpose and effect of the amendment is to update the rule to comply with new legislation regarding continuing education requirements relating to HIV/AIDS and domestic violence.

SUMMARY: The existing language of the rule is updated to comply with new legislation regarding continuing education requirements relating to HIV/AIDS and domestic violence.

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: 459.005, 459.008(4) FS.

LAW IMPLEMENTED: 456.013(5), (6), (7), 459.008, 459.008(4) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-13.001 Continuing Education for Biennial Renewal.

(1)(a) Every person licensed pursuant to Chapter 459, F.S., except those licensed as physician assistants pursuant to Section 459.022, F.S., shall be required to complete forty (40) hours of continuing medical education courses approved by the Board in the twenty-four (24) months preceding each biennial renewal period as established by the Department. Five of the continuing medical education hours for renewal shall include a Seven of the continuing medical education hours required for renewal shall be one hour HIV/AIDS course, one hour Domestic Violence, one hour Risk Management Course, one hour Florida Laws and Rules, one hour on the laws regarding the use and abuses of controlled substances, and two hours Prevention of Medical Errors Course. The completion of the seven required continuing medical education hours set forth above shall be obtained as set forth in paragraph (3)(b) of this rule.

(b) No change.

(c) A licensee shall complete a two (2) hour Domestic Violence Course as part of every third biennial renewal of licensure.

(d) A licensee shall complete a one (1) hour HIV/AIDS course no later than upon first biennial renewal of licensure.

(2) No change.

(3)(a) No change.

(b) The continuing medical education found in paragraph 64B15-13.001(1)(a), F.A.C., with regard to Risk Management, Florida Laws and Rules, controlled substances and the prevention of medical errors shall be obtained by the completion of live, participatory attendance courses. However, the continuing medical education found in paragraph 64B15-13.001(1)(c) and (d) ~~(a)~~, F.A.C., with regard to HIV/AIDS and, domestic violence, ~~or the alternative end of life/palliative care as set forth in subsection (7) of this rule~~ may be obtained by the completion of non-live/participatory attendance.

(c) through (e) No change.

(4) through (6) No change.

~~(7) In lieu of the domestic violence course or the HIV/AIDS course, a licensee may complete a course in end of life care and palliative health care if the licensee has completed an approved domestic violence course in the immediately preceding biennium.~~

~~(8) All applicants for an initial license, reactivation or reinstatement of their license who obtained the required domestic violence, end of life and palliative health care, or HIV/AIDS course for initial licensure, reactivation or reinstatement within six (6) months immediately preceding licensure renewal may use the same domestic violence, end of life palliative health care, or HIV/AIDS hours obtained for initial licensure, reactivation or reinstatement to meet the requirements for licensure renewal.~~

Specific Authority 459.005, 459.008(4) FS. Law Implemented 456.013(5), (6), (7), 459.008, 459.008(4) FS. History—New 10-23-79, Amended 1-29-86, Formerly 21R-13.01, Amended 12-5-89, 4-8-91, 2-16-92, Formerly 21R-13.001, Amended 1-10-94, Formerly 61F9-13.001, Amended 10-25-95, Formerly 59W-13.001, Amended 1-19-98, 6-3-98, 4-14-99, 5-26-02, 5-10-04, 7-27-04, 2-9-05, 2-14-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2006

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-17.001
 RULE TITLE: Continuing Education Required for License Renewal

PURPOSE AND EFFECT: The purpose and effect is to delete the continuing education requirement of one hour on the topic of HIV/AIDS and to add the requirement that no later than upon first renewal, all licensees must demonstrate completion of a continuing education course on the topic of HIV/AIDS, to be consistent with the recent changes to Section 456.033, Florida Statutes.

SUMMARY: In this rule, the continuing education requirement of one hour on the topic of HIV/AIDS is deleted and the requirement that no later than upon first renewal, all licensees must demonstrate completion of a continuing education course on the topic of HIV/AIDS, to be consistent with the recent changes to Section 456.033, Florida Statutes, is added.

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(6), 456.033, 461.005, 461.007(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.033, 461.007 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 RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-17.001 Continuing Education Required for License Renewal.

(1) No change.

(2) All licensees who seek to renew the active status of their licensure must demonstrate that they have completed, during the previous two years, at least forty (40) hours of continuing education.

(a) No change.

~~(b) At least one (1) of the forty (40) hours must concern the topic of HIV/AIDS.~~

~~(b)(e) No change.~~

~~(c)(d) No change.~~

~~(d)(e) No change.~~

(3) through (9) No change.

(10) No later than upon first renewal, all licensees must demonstrate completion of a continuing education course on the topic of HIV/AIDS.

Specific Authority 456.013(6), 456.033, 461.005, 461.007(3) FS. Law Implemented 456.013(6), 456.033, 461.007 FS. History—New 11-24-80, Formerly 2IT-17.01, Amended 10-14-86, 2-21-88, 5-16-89, Formerly 2IT-17.001, Amended 7-6-94, Formerly 61F12-17.001, Amended 1-1-96, 1-2-97, 6-1-97, Formerly 59Z-17.001, Amended 4-25-00, 9-27-01, 11-27-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine

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

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

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-12.002
RULE TITLE: Application and Examination Fee for Licensure by Examination; Review Fee

PURPOSE AND EFFECT: The Board proposes to decrease the laws and fees examination fee.

SUMMARY: The rule amendment will decrease the laws and rules examination fee from \$200.00 to \$75.00.

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(2), 491.004(4), 490.005(1)(a) FS.

LAW IMPLEMENTED: 456.013(2), 456.017, 490.005(1)(a) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-12.002 Application and Examination Fee for Licensure by Examination; Review Fee.

(1) through (2) No change.

(3) In addition to the application fee specified above, each applicant for certification for examination shall submit a laws and rules examination fee of \$75.00 ~~\$200.00~~.

(4) through (5) No change.

Specific Authority 456.013(2), 490.004(4), 490.005(1)(a) FS. Law Implemented 456.013(2), 456.017, 490.005(1)(a) FS. History—New 2-22-82, Amended 7-2-84, Formerly 21U-12.02, Amended 11-21-88, 8-12-90, 1-16-92, Formerly 21U-12.002, Amended 10-12-93, 6-14-94, Formerly 61F13-12.002, Amended 1-7-96, 6-26-97, Formerly 59AA-12.002, Amended 12-3-98, 6-28-00, 8-8-01, 2-12-04, 10-31-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2006

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-2.002
RULE TITLE: Educational Requirements

PURPOSE AND EFFECT: The Board proposes a rule amendment to address the educational requirements for a provisional license to implement amendments to Section 468.1155, F.S.

SUMMARY: The Board proposed a rule amendment to address the educational requirements for a provisional license.

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

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

SPECIFIC AUTHORITY: 468.1135 (4) FS.

LAW IMPLEMENTED: 468.1155, 468.1185 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Speech-Language Pathology and Audiology, MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-2.002 Educational Requirements.

(1) Candidates for licensure or provisional licensure as a speech-language pathologist ~~or audiologist~~ shall submit to the Board an official transcript or transcripts to evidence the receipt of a master's degree or has completed the academic requirements of enrollment in a doctoral doctoral program with a major emphasis in speech-language pathology, including supervised clinical practicum experience.

(a) Applicants enrolled in an approved program prior to January 5, 2005, shall have completed a minimum of 60 semester hours (at least 36 hours must be earned in graduate level courses). Applicants enrolled in an approved program after January 5, 2005, shall have completed a minimum of 75 semester hours (at least 36 hours earned at the graduate level). An approved program must address the areas of knowledge and skill set forth in Section 468.1155(2)(b), F.S. Approved supervised clinical practicum experiences require completion of at least 300 clock hours of supervised experience, with at least 200 of the 300 hours in the area of speech-language pathology.

(b) The master's or doctoral degree must be conferred by ~~or audiology from~~ an institution of higher learning which, at the time the applicant was enrolled and graduated, was accredited by an accrediting agency recognized by the Council for Higher Education Accreditation or from an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada. If the transcript submitted pursuant to this section does not, at the time it is submitted, reflect that the applicant has a master's degree, the Board will not accept the transcript as evidence of such degree unless it is accompanied by Form SPA-2D,

Certification of Conferral of Master's Degree, which is incorporated herein by reference, effective 3-16-94, ~~and can be obtained from the Board of Speech-Language Pathology and Audiology, Department of Health, 4052 Bald Cypress Way, #C-06, Tallahassee, Florida 32399-3256.~~ An applicant for licensure based on ~~enrollment in a doctoral doctoral~~ program must submit Form SPA-0002E, Certification of Completing Academic Requirements of Doctoral Enrollment in a Doctorial Program, which is incorporated herein by reference, effective 8-4-03, with a transcript. ~~and The forms incorporated by reference in this paragraph can be obtained from the Board of Speech-Language Pathology and Audiology, Department of Health, 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399-3256, with the transcript.~~

(c) An applicant who graduated from a program or is currently enrolled in a program at a university or college outside of the United States or Canada shall present documentation of the determination of equivalency to standards established by the Council for Higher Education Accreditation in order to qualify.

(2) Candidates ~~The applicant~~ for licensure or provisional licensure as an ~~Audiologist Speech-Language Pathologist~~ shall submit to the Board an official transcript or transcripts to evidence the receipt of a doctoral degree with a major emphasis in audiology, from an institution of higher learning which, at the time the applicant was enrolled and graduated, was accredited by an accrediting agency recognized by the Council for Higher Education Accreditation or its successor, the United States Department of Education, or from an institution that is a member in good standing with the Association of Universities and Colleges of Canada. ~~have completed the education and supervised clinical clock hour requirements set forth in Sections 468.1155(2)(b), (e) and (4), F.S. The applicant for licensure or provisional licensure as an audiologist shall have completed the education and supervised clinical clock hour requirements set forth in Sections 468.1155(3)(b), (e) and (4), F.S.~~

(a) Applicants who earn a doctoral degree from an approved program conferred before January 1, 2008, shall have completed 60 semester hours, of which 24 semester hours must be in audiology.

(b) Applicants who earn a doctoral degree from an approved program conferred after January 1, 2008, shall have completed 75 semester hours.

(c) An approved program must address the areas of knowledge and skill set forth in Section 468.1155(2)(b), F.S. Approved supervised clinical practicum experiences require completion of at least 300 clock hours of supervised experience, with at least 200 of the 300 hours in the area of audiology.

(d) An applicant who graduated from or is currently enrolled in a program at a university or college outside of the United States or Canada shall present documentation of the determination of equivalency to standards established by the Council for Higher Education Accreditation in order to qualify.

Specific Authority 468.1135(4) FS. Law Implemented 468.1155, 468.1185 FS. History—New 3-14-91, Formerly 21LL-2.002, Amended 11-15-93, 3-16-94, Formerly 61F14-2.002, 59BB-2.002, Amended 8-4-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Speech-Language Pathology and Audiology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language Pathology and Audiology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2006

DEPARTMENT OF HEALTH
Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-2.004
RULE TITLE: Professional Employment Experience

PURPOSE AND EFFECT: The Board proposes a rule amendment to address professional employment experience requirements to implement amendments to Section 468.1165, F.S.

SUMMARY: The Board proposed a rule amendment to address the professional employment experience required for licensure as a Speech Language Pathologist or Audiologist.

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

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

SPECIFIC AUTHORITY: 468.1135 (4) FS.

LAW IMPLEMENTED: 468.1165 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Speech-Language Pathology and Audiology, MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-2.004 Professional Employment Experience.

(1) Every applicant for licensure as an ~~speech language pathologist or audiologist~~ with a doctoral degree who meets the requirements of Section 468.1155, F.S., and can demonstrate ~~experience in the doctoral program that includes~~ one year clinical work experience in the doctoral program is deemed to meet the ~~eleven (11) nine (9) months of full-time~~ professional employment experience. Every applicant for licensure as an audiologist with a master’s degree conferred before January 1, 2008, shall document that prior to licensure, the applicant completed one year clinical experience.

(2) Every applicant for licensure as a speech-language pathologist ~~or audiologist~~ with a master’s degree or enrolled in a doctoral degree program shall demonstrate ~~to the Board, that~~ prior to licensure, the applicant completed nine (9) months of full-time professional employment experience, or the equivalent in part-time professional employment experience; ~~pertinent to the license being sought.~~

(3)(1) During the ~~nine (9) months~~ of professional employment experience required by Section 468.1165, F.S., the monitoring licensee shall evaluate the provisional speech-language pathology or audiology licensee each three (3) months ~~one-third~~ of the provisional period separately. The monitoring licensee ~~and~~ shall record the evaluation on Form SPA-2B, Supplementary Evaluations for Each One-Third of the Professional Employment Experience, which is incorporated by reference herein, ~~will be effective March 25, 1991, and a copy can be obtained from the Board office.~~ These evaluations shall be included with the final supervisory report, Form SPA-2C, Supervisory Report for Provisional Licensees, which is incorporated by reference herein, ~~will be effective March 25, 1991, and a copy can be obtained from the Board office.~~ For monitors of provisional audiology licensees, a separate evaluation must be completed during the final two (2) months of the professional employment experience. All evaluation forms as well as the final supervisory report shall be submitted to the Department within thirty (30) days of the completion of the professional employment experience. For the purpose of this section, nine (9) months of full-time professional employment is equivalent to thirty (30) hours per week for thirty-six (36) weeks. For purposes of this section, part-time professional employment is equivalent to a minimum of fifteen (15) hours per week for seventy-two (72) weeks. The forms incorporated by reference in this paragraph can be obtained from and the reports shall be sent to the Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399-3256.

(4)(2) Evaluation of the provisional licensee must include at least eighteen (18) hours of direct observations of diagnostic and therapeutic procedures. At least six (6) on-site evaluations must be accrued for each one-third of the provisional period.

No more than nine (9) of the eighteen (18) hours may be accrued for evaluation of clinical records. The observations may include:

- (a) Administration of evaluation procedures.
- (b) Execution of therapeutic procedures.
- (c) Evaluation of the provisional licensee’s clinical records, including diagnostic and treatment reports, clinical correspondence, management plans and conference summaries.

(5)(3) Evaluation of a provisional licensee must include at least eighteen (18) hours of other monitoring activities. At least six (6) of these monitoring activities must be accrued for every third of the provisional period. These activities may include:

- (a) Conferring with the provisional licensee concerning evaluations and management strategies.
- (b) Monitoring the provisional licensee’s participation in case conferences, contributions to professional meetings and publications.
- (c) Evaluating the provisional licensee through conferences with professional colleagues, employees, patients and patient’s families.

Specific Authority 468.1135(4) FS. Law Implemented 468.1165 FS. History–New 3-14-91, Formerly 21LL-2.004, 61F14-2.004, Amended 9-26-95, Formerly 59BB-2.004, Amended 9-17-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Speech-Language Pathology and Audiology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language Pathology and Audiology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2006

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-2.006
RULE TITLE: Licensure by Endorsement
PURPOSE AND EFFECT: The Board proposes a rule amendment to modify the requirements for licensure by endorsement.

SUMMARY: The Board proposed a rule amendment to address licensure by endorsement requirements and the application process.

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

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

SPECIFIC AUTHORITY: 468.1135 (4) FS.
LAW IMPLEMENTED: 468.1145(2), 468.1185(3) FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Speech-Language Pathology and Audiology, MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-2.006 Licensure by Endorsement.

(1) Any person desiring to obtain licensure by endorsement as a speech-language pathologist or audiologist shall apply to the Department of Health and pay the fee required by Rule 64B20-3.002, F.A.C. The application shall be made on Form SPA-1, as set forth in subsection 64B20-2.001(1), F.A.C. The Department shall notify the applicant by letter of any deficiencies in the application within 30 days after the application is filed. The applicant shall rectify all deficiencies in the application within one year from the date of such letter or the application will be processed as an incomplete application and the application file will be closed.

(2) The Board shall certify as qualified for licensure by endorsement those applicants who have completed the application form, remitted the nonrefundable application fee required by Rule 64B20-3.002, F.A.C., the endorsement fee required by Rule 64B20-3.006, F.A.C., and who have demonstrated that they:

- (a) Hold a valid license or certificate in another state to practice the profession for which the application is made, if the criteria for issuance of such license was substantially equivalent to, or more stringent than, the licensure criteria which existed in Florida at the time the license was issued; or
- (b) Hold a valid ~~Have received a~~ certificate of clinical competence from the American Speech-Language-Hearing Association or current Board certification in audiology from the American Board of Audiology.

Specific Authority 468.1135(4) FS. Law Implemented 468.1145(2), 468.1185(3) FS. History–New 3-14-91, Amended 12-4-91, Formerly 21LL-2.006, Amended 11-30-93, Formerly 61F14-2.006, Amended 9-26-95, Formerly 59BB-2.006, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Speech-Language Pathology and Audiology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language Pathology and Audiology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 29, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2006

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-4.002
RULE TITLE: Educational Requirements for Assistants

PURPOSE AND EFFECT: The Board proposes a rule amendment to address the educational requirements for audiology assistants to implement amendments to Section 468.1215, F.S.

SUMMARY: The Board proposed a rule amendment to address the Education requirements for certification as an audiology assistant and the application process.

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

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

SPECIFIC AUTHORITY: 468.1135 (4), 468.1215 (3) FS.

LAW IMPLEMENTED: 468.1215(1), (2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Speech-Language Pathology and Audiology, MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B20-4.002 Educational Requirements for Assistants.
(1) No change.
(2) Candidates for certification as an audiology assistant shall submit to the Board documentation an official transcript or transcripts evidencing that they have completed a high school education or its equivalent, minimum of 24 semester hours at an institution as described in subsection 64B20-2.002(1), F.A.C.
(3) No change.

Specific Authority 468.1135(4), 468.1215(3) FS. Law Implemented 468.1215(1), (2) FS. History--New 3-14-91, Formerly 21LL-4.002, Amended 10-12-93, Formerly 61F14-4.002, 59BB-4.002, Amended 2-14-01, 2-2-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Speech-Language Pathology and Audiology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language Pathology and Audiology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2006

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

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE NOS.: 66B-1.003, 66B-1.005, 66B-1.006, 66B-1.008, 66B-1.015
RULE TITLES: Definitions, Funds Allocation, Application Process, Project Eligibility, Small-Scale Derelict Vessel Removal Projects

PURPOSE AND EFFECT: The purpose of the proposed rule making is to include the following provisions in the program rule: Define the terms for project maintenance and publicly owned commercial or industrial waterway access; Update and correctly identify the required forms for the grant application process; add additional provisions for land acquisition to project eligibility, and add provisions for flexibility for the small-scale derelict vessel removal program.

The effect of the rule development is to implement changes in the administration of the District's Cooperative Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUMMARY: Cooperative Assistance Program rule sections: Definitions, Funds Allocation, Application Process, Project Eligibility and Small-Scale Derelict Vessel Removal Projects

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

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

SPECIFIC AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) FS.

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

DATE AND TIME: January 9, 2007, 11:00 p.m.

PLACE: The District office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

THE FULL TEXT OF THE PROPOSED RULES IS:

66B-1.003 Definitions.

The basic terms utilized in this rule are defined as follows:

(1) through (16) No change.

(17) PROJECT MAINTENANCE – means any usual action, activity, expense, replacement, adjustment or repair taken to retain a project or grant item in a serviceable, operational or normal condition, or the routine efforts and expenses necessary to restore it to serviceably or normal condition, including the routine recurring work required to keep the project or grant item in such condition that it may be continuously used at its original or designed capacity and efficiency for its intended purpose.

(17) through (21) renumbered (18) through (22) No change.

(23) PUBLICLY OWNED COMMERCIAL OR INDUSTRIAL WATERWAY ACCESS – means any publicly owned area specifically designed to be used for staging, launching, or off-loading by commercial or industrial waterway users on a first come, first served, short-term basis, to gain entry to or from the District’s waterways to serve the infrastructure needs of the District’s waterway users.

(22) through (24) renumbered (24) through (26) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 12-17-90, Amended 9-2-92, 2-6-97, Formerly 16T-2.003, Amended 5-17-98, 3-21-01, 3-20-03, 3-3-04, 4-21-05, 4-24-06, _____.

66B-1.005 Funds Allocation.

(1) through (2) No change.

(3) Pre-agreement Expenses: The project sponsor shall not commence work on an approved project element prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Board authorization of pre-agreement expenses will be given for the commencement of work prior to the execution of a project agreement if the Board determines that there is a benefit to the District, its waterways or its constituents. All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be approved if they are consistent with the provisions of Rule 66B-1.008, F.A.C., and occur within the fiscal year of the grant application submission (October 1st to September 30th). Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be limited to fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only one-half (1/2) or less of the approved pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects. The Board may waive the limitation on pre-agreement expenses for Small-Scale Derelict Vessel grants when the

applicant demonstrates a direct need and benefit and the project is in accordance with the applicable provisions of Rule Chapter 66B-1, F.A.C.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1), (3) FS. History–New 12-17-90, Amended 6-24-93, 9-5-96, 2-6-97, Formerly 16T-2.005, Amended 5-17-98, 8-26-99, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-24-06, _____.

66B-1.006 Application Process.

(1) No change.

(2) Application Form: Florida Inland Navigation District Cooperative Assistance Program Application; Applicant Information – Project Summary, Form No. 90-12 (effective date 4-24-06) is hereby incorporated by reference and available from the District office. All applications for financial assistance and support through this program shall be made on this form. With the exception of projects eligible under the Small-Scale Spoil Island Restoration and Enhancement program, and the Small-Scale Derelict Vessel program, all applications for financial assistance and support through this program from state agencies shall also be made on FIND Form Number 90-12a Project Information (effective date 4-24-06) and shall include a detailed cost estimate submitted on FIND Form No. 90-25 Florida Inland Navigation District Assistance Program Project Cost Estimate (effective date 4-24-06), hereby incorporated by reference and available from the District office. In addition, all applicants shall submit a complete and detailed Project Timeline (FIND FORM No. 96-10) (effective date - -07).

(3) through (9) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 12-17-90, Amended 2-6-97, Formerly 16T-1.006, Amended 3-5-00, 3-21-01, 7-30-02, 3-20-03, 4-21-05, 4-24-06, _____.

66B-1.008 Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation, public recreation, environmental education, boating safety, acquisition and development of spoil sites and publicly owned commercial/industrial waterway access directly related to the waterways, and inlet management, environmental mitigation and beach renourishment directly related to the waterways.

(a) Program funds may be used for projects such as acquisition planning, development, construction, reconstruction, extension improvement, operation or maintenance of the following for public use on land and water:

1. Public navigation channel dredging;
2. Public navigation aids and markers;
3. Inlet management projects that are a benefit to public navigation in the District;
4. Public shoreline stabilization;

5. Acquisition and development of publicly owned Public spoil disposal site and public commercial/industrial waterway access development;

6. Waterway signs and buoys for safety, regulation or information;

7. Acquisition and development of pPublic boat ramps and launching facilities and land acquisition for additional trailer parking at an existing boat ramp;

8. Acquisition and development of pPublic boat docking and mooring facilities;

9. Derelict Vessel Removal;

10.9. Waterways related environmental education programs and facilities;

11.10. Public fishing and viewing piers;

12.11. Public waterfront boardwalks;

13.12. Waterways boating safety programs and equipment;

14.13. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and

15.14. Other waterway related projects.

(b) through (d) No change.

(2) through (5) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 12-17-90, Amended 2-6-97, Formerly 16T-1.008, Amended 5-17-98, 3-31-99, 3-5-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04, 4-24-06, _____.

66B-1.015 Small-Scale Derelict Vessel Removal Projects.

Proposals shall be accepted for financial assistance for the removal of derelict vessels within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure — Applications shall be submitted on a completed FIND Form No. 05-01 (Small-Scale Derelict Vessel Removal Program) (effective date 4-24-06), and FIND Form No. 01-06 (Small-Scale Derelict Vessel Removal Program – Project Cost Estimate), (effective date 4-24-06), hereby incorporated by reference and available from the District office. Applications may be submitted to the District and considered by the Board at any time during the year.

(2) The District shall only fund applicants that have identified derelict vessels to be removed and have a current an outstanding bid for removal for such vessels, or have completed the removal of such vessels within the 6 months preceding the application, subject to eligibility under these program rules.

(3) The program must be sponsored by an eligible government agency or not-for-profit organization.

(4) District funding shall be limited to \$10,000.00 per county, per year, provided on a reimbursement basis only. The limitation on pre-agreement expenses may be waived by the Board in accordance with subsection 66B-2.005(3), F.A.C.

(5) The eligible applicant must provide the remaining matching funds for project completion. In no case shall the District's cost-share contribution exceed 50% of the total project costs. In-house project management or administration costs are not eligible costs or matching costs.

(6) The derelict vessel must be located in, or immediately adjacent to, the Atlantic Intracoastal Waterway or the Okeechobee Waterway.

(7) The District shall be recognized when possible in all written, audio or video advertising and promotions as a participating sponsor of the program.

(8) The funding provided by the District shall only be allocated for removal of derelict vessels. The District is providing program reimbursement funds only and shall be held harmless with regards to the activities initiated by the applicant.

(9) The applicant shall be responsible for all maintenance, management, disposal and operating expenses associated with the program.

(10) Funds derived from the sale of any derelict vessels or vessel parts removed through this grant program must be reinvested into the applicant's derelict vessel removal program.

(11) The District Board shall make all final decisions concerning the provision of funding for this program.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 4-24-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark T. Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE IS: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

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

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

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE NOS.:	RULE TITLES:
66B-2.003	Definitions
66B-2.005	Funds Allocation
66B-2.006	Application Process
66B-2.008	Project Eligibility
66B-2.015	Small-Scale Derelict Vessel Removal Projects

PURPOSE AND EFFECT: The purpose of the proposed rule making is to include the following provisions in the program rule: Define the terms for project maintenance and publicly

owned commercial or industrial waterway access; Update and correctly identify the required forms for the grant application process; add additional provisions for land acquisition to project eligibility, and add provisions for flexibility for the small-scale derelict vessel removal program.

The effect of the rule development is to implement changes in the administration of the District's Waterways Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUBJECT AREA TO BE ADDRESSED: Waterways Assistance Program rule sections: Definitions, Funds Allocation, Application Process, Project Eligibility and, Small-Scale Derelict Vessel Removal Projects.

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

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

SPECIFIC AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) FS.

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

DATE AND TIME: January 9, 2007, 11:00 p.m.

PLACE: The District office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

THE FULL TEXT OF THE PROPOSED RULES IS:

66B-2.003 Definitions.

The basic terms utilized in this rule are defined as follows:

(1) through (19) No change.

(20) PROJECT MAINTENANCE – means any usual action, activity, expense, replacement, adjustment or repair taken to retain a project or grant item in a serviceable, operational or normal condition, or the routine efforts and expenses necessary to restore it to serviceably or normal condition, including the routine recurring work required to keep the project or grant item in such condition that it may be continuously used at its original or designed capacity and efficiency for its intended purpose.

(20) through (24) renumbered (21) through (25) No change.

(26) PUBLICLY OWNED COMMERCIAL OR INDUSTRIAL WATERWAY ACCESS – means any publicly owned area specifically designed to be used for staging, launching, or off-loading by commercial or industrial waterway users on a first come, first served, short-term basis, to gain entry to or from the District's waterways to serve the infrastructure needs of the District's waterway users.

(25) through (27) renumbered (27) through (29) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 12-17-90, Amended 9-2-92, 2-6-97, Formerly 16T-2.003, Amended 5-17-98, 3-21-01, 3-20-03, 3-3-04, 4-21-05, 4-24-06, _____

66B-2.005 Funds Allocation.

(1) through (2) No change.

(3) Pre-agreement Expenses: The project sponsor shall not commence work on an approved project element prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Board authorization of pre-agreement expenses will be given for the commencement of work prior to the execution of a project agreement if the Board determines that there is a benefit to the District, its waterways or its constituents. All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be approved if they are consistent with the provisions of Rule 66B-~~4~~2.008, F.A.C., and occur within the fiscal year of the grant application submission (October 1st to September 30th). Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be limited to fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only one-half (1/2) or less of the approved pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects. The Board may waive the limitation on pre-agreement expenses for Small-Scale Derelict Vessel grants when the applicant demonstrates a direct need and benefit and the project is in accordance with the applicable provisions of Rule Chapter 66B-2, F.A.C.

(4) through (7) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1), (3) FS. History–New 12-17-90, Amended 6-24-93, 9-5-96, 2-6-97, Formerly 16T-2.005, Amended 5-17-98, 8-26-99, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-24-06, _____

66B-2.006 Application Process.

(1) No change.

(2) Application Forms: Florida Inland Navigation District Waterways Assistance Program Project Application FIND Form Number 90-22 (effective date 4-24-06) and 93-22a, Project Information — Navigation Related Districts (effective

date 4-24-06) are hereby incorporated by reference and available from the District office. With the exception of projects eligible under the Small-Scale Spoil Island Restoration and Enhancement program, and the Small-Scale Derelict Vessel program, all applications for financial assistance and support through this program from member counties and local governments shall be made on Form Number FIND 90-22 and shall include a detailed cost estimate submitted on FIND Form No. 90-25, Florida Inland Navigation District Assistance Program Project Cost Estimate, (effective date 4-24-06), hereby incorporated by reference and available from the District office. All applications for financial assistance and support through this program from navigation related districts shall be made on FIND Form Number 93-22 (effective date 4-24-06), hereby incorporated by reference and available from the District office, and shall include a detailed cost estimate submitted on FIND Form No. 90-25. In addition, all applicants shall submit a complete and detailed Project Timeline (FIND FORM No. 96-10) (effective date - -07).

(3) through (7) No change.

(8) Application Evaluation and Rating Score: Following the presentations, the Board will review the applications and evaluate them using the Waterways Assistance Program Application Evaluation and Rating Worksheets No. 91-25 (a thru f) for Waterways Assistance Program applications, and 93-25 (a, b and c) Waterways Assistance Program Navigation Related Districts applications. The total points awarded to each application by the Commissioners will be averaged to determine an application's final rating score. The final rating score for each application must equal or exceed 35 points for the application to be considered for funding assistance. Reconsideration of any application with a final rating score of less than 35 points will only occur if the majority of the Commissioners evaluating the project rated the project equal to or exceeding 35 points and two-thirds of the Commissioners vote for reconsideration of the application. Only Applicants that are eligible under Rule 66B-2.0061, F.A.C., "Disaster Relief", shall complete FIND Form No. 91-25F Emergency Re-Construction (effective date 4-24-06).

(9) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Amended 9-2-92, 6-24-93, 4-12-95, Formerly 16T-2.006, Amended 5-25-00, 3-21-01, 7-30-02, 3-20-03, 4-24-06,_____

66B-2.008 Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation, public recreation, environmental education, boating safety, acquisition and development of spoil sites and publicly owned commercial/industrial waterway access ~~acquisition~~ directly related to the waterways, inlet management, environmental mitigation and beach renourishment.

(a) Program funds may be used for projects such as acquisition, planning, development, construction, reconstruction, extension, improvement, operation or maintenance of the following types of projects for public use on land and water. These project types will be arranged into a priority list each year by vote of the Board. The priority list will be distributed to applicants with the project application.

1. Public navigation channel dredging;
2. Public navigation aids and markers;
3. Inlet management projects that are a benefit to public navigation in the District;
4. Public shoreline stabilization;
5. Acquisition and development of publicly owned Public spoil disposal site and public commercial/industrial waterway access development;
6. Waterway signs and buoys for safety, regulation or information;
7. Acquisition and development of public boat ramps and launching facilities and land acquisition for additional trailer parking at an existing boat ramp;
8. Acquisition and development of public boat docking and mooring facilities;
9. Derelict Vessel Removal;
10. Waterways related environmental education programs and facilities;
11. Public fishing and viewing piers;
12. Public waterfront boardwalks;
13. Waterways boating safety programs and equipment;
14. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and
15. Other waterway related projects.

(b) through (d) No change.

(2) through (5) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History--New 12-17-90, Amended 9-2-92, 6-24-93, 2-3-94, 4-12-95, 9-5-96, 2-6-97, Formerly 16T-2.008, Amended 5-17-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04, 4-24-06,_____

66B-2.015 Small-Scale Derelict Vessel Removal Projects.

Proposals shall be accepted for financial assistance for the removal of derelict vessels within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure — Applications shall be submitted on a completed FIND Form No. 05-01 (Small-Scale Derelict Vessel Removal Program) (effective date 4-24-06), and FIND Form No. 01-06 (Small-Scale Derelict Vessel Removal Program – Project Cost Estimate), (effective date 4-24-06), hereby incorporated by reference and available from

the District office. Applications may be submitted to the District and considered by the Board at any time during the year.

(2) The District shall only fund applicants that have identified derelict vessels to be removed and have a current ~~an~~ outstanding bid for removal for such vessels, or have completed the removal of such vessels within the 6 months preceding the application, subject to eligibility under these program rules.

(3) The program must be sponsored by an eligible government agency or not-for-profit organization.

(4) District funding shall be limited to \$10,000.00 per county, per year, provided on a reimbursement basis only. The limitation on pre-agreement expenses may be waived by the Board in accordance with subsection 66B-2.005(3), F.A.C.

(5) The eligible applicant must provide the remaining matching funds for project completion. In no case shall the District's cost-share contribution exceed 50% of the total project costs. In-house project management or administration costs are not eligible costs or matching costs.

(6) The derelict vessel must be located in, or immediately adjacent to, the Atlantic Intracoastal Waterway or the Okeechobee Waterway.

(7) The District shall be recognized when possible in all written, audio or video advertising and promotions as a participating sponsor of the program.

(8) The funding provided by the District shall only be allocated for removal of derelict vessels. The District is providing program reimbursement funds only and shall be held harmless with regards to the activities initiated by the applicant.

(9) The applicant shall be responsible for all maintenance, management, disposal and operating expenses associated with the program.

(10) Funds derived from the sale of any derelict vessels or vessel parts removed through this grant program must be reinvested into the applicant's derelict vessel removal program.

(11) The District Board shall make all final decisions concerning the provision of funding for this program.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 4-24-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mark T. Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE IS: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

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

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

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09401 RULE TITLE: Student Performance Standards

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 45, November 9, 2006 Florida Administrative Weekly has been continued from December 12, 2006 to January 16, 2007.

DEPARTMENT OF REVENUE

RULE NOS.:	RULE TITLES:
12-2.022	Public Inspection and Copying
12-2.023	Final Orders Required to be Indexed
12-2.025	Designation of Official Reporter
12-2.026	Numbering of Final Orders

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 40, October 6, 2006 issue of the Florida Administrative Weekly.

These changes are in accordance with subparagraph 120.54(3)(d)1., F.S., and in response to comments received from the Joint Administrative Procedures Committee.

Paragraph (c) of subsection (1) of Rule 12-2.022, F.A.C., has been changed, so that, when adopted, the paragraph will read as follows:

(c) A list of all final orders which are not indexed, which must be listed pursuant to Rule 1S-6.001 ~~1S-6.005~~, F.A.C.

Subsection (5) and the Specific Authority statement of Rule 12-2.022, F.A.C., have been changed, so that, when adopted, the subsection and statement will read as follows:

(5) Certified copies of final orders pertaining to child support enforcement may be obtained from the Deputy Agency Clerks at their office designations, as provided in subsection (2). Certified copies of other final orders may be obtained from the Office of the Agency Clerk. The Department will charge fees, as provided in Section 119.07(4), F.S., for certified copies of final orders. The list of final orders not indexed and published is maintained at the Office of the Agency Clerk and is available for public inspection and copying at cost.