

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-6.0960 Corporate Tax Credit Scholarship
 Program

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. 45, November 9, 2006 issue of the Florida Administrative Weekly.

(6) Measurement of student achievement. Private schools participating in the program are responsible for ensuring that all students who would otherwise be assessed under Section 1008.22(3)(c), Florida Statutes, and who are receiving scholarships are assessed annually and the results reported as required by Section 220.187(8)(c)2., Florida Statutes. Achievement data for scholarship students shall not be used to rate publicly the performance of private schools that participate in the program.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

DOCKET NOS. 060172-EU & 060173-EU

RULE NOS.: RULE TITLES:
25-6.034 Standard of Construction
25-6.0341 Location of the Utility's Electric
 Distribution Facilities
25-6.0342 Electric Infrastructure Storm
 Hardening
25-6.0345 Safety Standards for Construction of
 New Transmission and Distribution
 Facilities
25-6.064 Contribution-in-Aid-of-Construction
 for Installation of New or Upgraded
 Facilities
25-6.078 Schedule of Charges
25-6.115 Facility Charges for Conversion of
 Existing Overhead Investor-owned
 Distribution Facilities

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 27, July 7, 2006, issue of the Florida Administrative Weekly. For Rules 25-6.034 and 25-6.0342, the text proposed July 7, 2006, has been substantially reworded and the following language substituted. Changes made to Rules 25-6.0341, 25-6.0345, 25-6.064, 25-6.078, and 25-6.115 are shown in type-and-strike format.

GENERAL MANAGEMENT REQUIREMENTS

25-6.034 Standard of Construction.

(1) The facilities of each utility shall be constructed, installed, maintained and operated in accordance with generally accepted engineering practices to assure, as far as is reasonably possible, continuity of service and uniformity in the quality of service furnished.

(2) Each utility shall, at a minimum, comply with the National Electrical Safety Code [ANSI C-2] [NESC], incorporated by reference in Rule 25-6.0345, F.A.C.

(a) For facilities constructed on or after February 1, 2007, the 2007 NESC shall apply. A copy of the 2007 NESC, ISBN number 0781-4893-8, may be obtained from the Institute of Electric and Electronic Engineers, Inc. (IEEE).

(b) Facilities constructed prior to February 1, 2007, shall be governed by the edition of the NESC specified by subsections 013.B.1, 013.B.2, and 013.B.3 of the 2007 NESC, incorporated by reference in Rule 25-6.0345, F.A.C.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(c),(f)(5), 366.05(1) FS. History—Amended 7-29-69, 12-20-82, Formerly 25-6.34, Amended _____.

25-6.0341 Location of the Utility's Electric Distribution Facilities.

(1) In order to facilitate safe and efficient access for installation and maintenance, to the extent feasible and cost-effective, electric distribution facilities shall be placed adjacent to a public road, normally in front of the customer's premises.

(2)(+) For initial installation, expansion, rebuild, or relocation of overhead facilities, utilities shall use easements, public streets, roads and highways along which the utility has the legal right to occupy, and public lands and private property across which rights-of-way and easements have been provided by the applicant for service.

(3)(-) For initial installation, expansion, rebuild, or relocation of underground facilities, the utility shall require the applicant for service to provide easements along the front edge of the property, unless the utility determines there is an operational, economic, or reliability benefit to use another location.

(4)(3) For conversions of existing overhead facilities to underground facilities, the utility shall, if the applicant for service is a local government that provides all necessary permits and meets the utility's legal, financial, and operational requirements, place facilities in road rights-of-way in lieu of requiring easements.

(5)(4) Where the expansion, rebuild, or relocation of electric distribution facilities affects existing third-party attachments or the facilities of existing joint users, and will result in the relocation of such facilities to a new location adjacent to a public road, the utility shall notify and attempt in good faith to accommodate concerns raised by third-party attachers and joint users, including input and concerns related to the cost impacts of the proposed relocation on attaching entities. The electric utility shall also, to the extent practical, coordinate the construction of its facilities with the affected third-party attachers and joint users.

(6) Any dispute or challenge related to the implementation of this rule by a customer, applicant for service, or attaching entity shall be resolved by the Commission.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(c),(5),(6), 366.05(1) FS. History--New_____.

25-6.0342 Electric Infrastructure Storm Hardening.

(1) Application and Scope. This rule is intended to ensure the provision of safe, adequate, and reliable electric transmission and distribution service for operational as well as emergency purposes; require the cost-effective strengthening of critical electric infrastructure to increase the ability of transmission and distribution facilities to withstand extreme weather conditions; and reduce restoration costs and outage times to end-use customers associated with extreme weather conditions. This rule applies to all investor-owned electric utilities.

(2) Storm Hardening Plans. Each utility shall, no later than 90 days after the effective date of this rule, file with the Commission for its approval a detailed storm hardening plan. Each utility's plan shall be updated every 3 years, unless the Commission, on its own motion or on petition by a substantially affected person or utility, initiates a proceeding to review and, if appropriate, modify the plans. In a proceeding to approve a utility's plan, the Commission shall consider whether the utility's plan meets the desired objectives of enhancing reliability and reducing restoration costs and outage times in a prudent, practical, and cost-effective manner to the affected parties.

(3) Contents of Plan: Each utility storm hardening plan shall contain a detailed description of the construction standards, policies, practices, and procedures employed to enhance the reliability of overhead and underground electrical transmission and distribution facilities in conformance with the provisions of this rule. Each filing shall, at a minimum, address the extent to which the utility's storm hardening plan:

(a) Complies, at a minimum, with the National Electric Safety Code (ANSI C-2) [NESC] that is applicable pursuant to subsection 25-6.034(2), F.A.C.

(b) Adopts the extreme wind loading standards specified by Figure 250-2(d) of the 2007 edition of the NESC for the following distribution facilities:

1. New construction;

2. Major planned work, including expansion, rebuild, or relocation of existing facilities, assigned on or after the effective date of this rule; and

3. Critical infrastructure facilities and along major thoroughfares taking into account political and geographical boundaries and other applicable operational considerations.

(c) Is designed to mitigate damage to underground and supporting overhead transmission and distribution facilities due to flooding and storm surges.

(d) Provides for the placement of new and replacement distribution facilities so as to facilitate safe and efficient access for installation and maintenance pursuant to Rule 25-6.0341, F.A.C.

(4) Deployment Strategy: Each utility storm hardening plan shall explain the systematic approach the utility will follow to achieve the desired objectives of enhancing reliability and reducing restoration costs and outage times associated with extreme weather events. The utility's storm hardening plan shall provide a detailed description of its deployment strategy including, but not limited to the following:

(a) A description of the facilities affected; including technical design specifications, construction standards, and construction methodologies employed.

(b) The communities and areas within the utility's service area where the electric infrastructure improvements, including facilities identified by the utility as critical infrastructure and along major thoroughfares pursuant to subparagraph (3)(b)3, are to be made.

(c) The extent to which the electric infrastructure improvements involve joint use facilities on which third-party attachments exist.

(d) An estimate of the costs and benefits to the utility of making the electric infrastructure improvements, including the effect on reducing storm restoration costs and customer outages.

(e) An estimate of the costs and benefits, obtained pursuant to subsection (6) below, to third-party attachers affected by the electric infrastructure improvements, including the effect on reducing storm restoration costs and customer outages realized by the third-party attachers.

(5) Attachment Standards and Procedures: As part of its storm hardening plan, each utility shall maintain written safety, reliability, pole loading capacity, and engineering standards and procedures for attachments by others to the utility's electric transmission and distribution poles (Attachment

Standards and Procedures). The Attachment Standards and Procedures shall meet or exceed the edition of the National Electrical Safety Code (ANSI C-2) that is applicable pursuant to subsection 25-6.034(2), F.A.C., so as to assure, as far as is reasonably practicable, that third-party facilities attached to electric transmission and distribution poles do not impair electric safety, adequacy, or pole reliability; do not exceed pole loading capacity; and are constructed, installed, maintained, and operated in accordance with generally accepted engineering practices for the utility's service territory.

(6) Input from Third-Party Attachers: In establishing its storm hardening plan and Attachment Standards and Procedures, or when updating or modifying such plan or Attachment Standards and Procedures, each utility shall seek input from and attempt in good faith to accommodate concerns raised by other entities with existing agreements to share the use of its electric facilities. Any third-party attacher that wishes to provide input under this subsection shall provide the utility contact information for the person designated to receive communications from the utility.

(7) Dispute Resolution: Any dispute or challenge to a utility's storm hardening plan, construction standards, deployment strategy, Attachment Standards and Procedures, or any projects implementing any of the above by a customer, applicant for service, or attaching entity shall be resolved by the Commission.

(8) Nothing in this rule is intended to conflict with Title 47, United States Code, Section 224, relating to Federal Communications Commission jurisdiction over pole attachments.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(c),(5),(6), 366.05(1) FS. History--New

25-6.0345 Safety Standards for Construction of New Transmission and Distribution Facilities.

(1) ~~The In compliance with Section 366.04(6)(b), F.S., 1991, the Commission adopts and incorporates by reference the 2002 edition of the National Electrical Safety Code (ANSI C-2 [NESC], published August 1, 2001, as the applicable safety standards for transmission and distribution facilities subject to the Commission's safety jurisdiction. For electrical facilities constructed on or after February 1, 2007, the 2007 NESC shall apply. Electrical facilities constructed prior to February 1, 2007, shall be governed by the edition of the NESC specified by subsections 013.B.1, 013.B.2, and 013.B.3 of the 2007 NESC. Each investor-owned electric utility, rural electric cooperative, and municipal electric system shall, at a minimum, comply with the standards in these provisions. A copy of the 2007 NESC, ISBN number 0781-4893-8, may be obtained from the Institute of Electric and Electronic Engineers, Inc. (IEEE). Standards contained in the 2002~~

~~edition shall be applicable to new construction for which a work order number is assigned on or after the effective date of this rule.~~

(2) Each investor-owned electric utility, rural electric cooperative and municipal electric utility shall report all completed electric work orders, whether completed by the utility or one of its contractors, at the end of each quarter of the year. The report shall be filed with the Director of the Commission's Division of Regulatory Compliance and Consumer Assistance no later than the 30th working day after the last day of the reporting quarter, and shall contain, at a minimum, the following information for each work order:

- (a) Work order number/project/job;
- (b) Brief title outlining the general nature of the work;
- (c) Estimated cost in dollars, rounded to nearest thousand and;
- (d) Location of project.

(3) The quarterly report shall be filed in standard DBase or compatible format, DOS ASCII text, or hard copy, as follows:

(a) DBase Format

Field Name	Field Type	Digits
1. Work orders	Character	20
2. Brief title	Character	30
3. Cost	Numeric	8
4. Location	Character	50

(b) DOS ASCII Text.

- 1. Columns shall be the same type and in the same order as listed under Field Names above.
- 2. A comma (,) shall be placed between data fields.
- 3. Character data fields shall be placed between quotation marks (" . .").
- 4. Numeric data fields shall be right justified.
- 5. Blank spaces shall be used to fill the data fields to the indicated number of digits.

(c) Hard Copy.

The following format is preferred, but not required:

Completed Electrical Work Orders For PSC Inspection

Work Order	Brief Title	Estimated Cost	Location

(4) In its quarterly report, each utility shall identify all transmission and distribution facilities subject to the Commission's safety jurisdiction, and shall certify to the Commission that they meet or exceed the applicable standards. Compliance inspections by the Commission shall be made on a random basis or as appropriate.

(5) As soon as practicable, but by the end of the next business day after it learns of the occurrence, each investor-owned electric utility, rural electric cooperative, and municipal electric utility shall (without admitting liability)

report to the Commission any accident occurring in connection with any part of its transmission or distribution facilities which:

(a) Involves death or injury requiring hospitalization of nonutility persons; or

(b) Is significant from a safety standpoint in the judgment of the utility even though it is not required by paragraph (a).

(6) Each investor-owned electric utility, rural electric cooperative, and municipal electric utility shall (without admitting liability) report each accident or malfunction, occurring in connection with any part of its transmission or distribution facilities, to the Commission within 30 days after it learns of the occurrence, provided the accident or malfunction:

(a) Involves damage to the property of others in an amount in excess of \$5000; or

(b) Causes significant damage in the judgment of the utility to the utility's facilities.

(7) Unless requested by the Commission, reports are not required with respect to personal injury, death, or property damage resulting from vehicles striking poles or other utility property.

Specific Authority 350.127(2) FS. Law Implemented 366.04(2)(f),(6) FS. History—Amended 8-13-87, Amended 2-18-90, 11-10-93, 8-17-97, 7-16-02,_____.

PART IV

GENERAL SERVICE PROVISIONS

25-6.064 Contribution-in-Aid-of-Construction for Installation of New or Upgraded Facilities.

(1) Application and scope. The purpose of this rule is to establish a uniform procedure by which investor-owned electric utilities calculate amounts due as contributions-in-aid-of-construction (CIAC) from customers who request new facilities or upgraded facilities in order to receive electric service, except as provided in Rule 25-6.078, F.A.C.

(2) Contributions-in-aid-of-construction for new or upgraded overhead facilities (CIAC_{OH}) shall be calculated as follows:

CIAC _{OH}	=	Total estimated work order job cost of installing the facilities	=	Four years expected incremental base energy revenue	=	Four years expected incremental base demand revenue, if applicable
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(a) The cost of the service drop and meter shall be excluded from the total estimated work order job cost for new overhead facilities.

(b) The net book value and cost of removal, net of the salvage value, for existing facilities shall be included in the total estimated work order job cost for upgrades to those existing facilities.

(c) The expected annual base energy and demand charge revenues shall be estimated for a period ending not more than 5 years after the new or upgraded facilities are placed in service.

(d) In no instance shall the CIAC_{OH} be less than zero.

(3) Contributions-in-aid-of-construction for new or upgraded underground facilities (CIAC_{UG}) shall be calculated as follows:—

CIAC _{UG}	=	CIAC _{OH}	+	Estimated difference between cost of providing the service underground and overhead
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(4) Each utility shall apply the formula in subsections (2) and (3) of this rule uniformly to residential, commercial and industrial customers requesting new or upgraded facilities at any voltage level.

(5) The costs applied to the formula in subsections (2) and (3) shall be based on the requirements of Rule 25-6.0342, F.A.C., Electric Infrastructure Storm Hardening Standards of Construction.

(6) All CIAC calculations under this rule shall be based on estimated work order job costs. In addition, each utility shall use its best judgment in estimating the total amount of annual revenues which the new or upgraded facilities are expected to produce.

(a) A customer may request a review of any CIAC charge within 12 months following the in-service date of the new or upgraded facilities. Upon request, the utility shall true-up the CIAC to reflect the actual costs of construction and actual base revenues received at the time the request is made.

(b) In cases where more customers than the initial applicant are expected to be served by the new or upgraded facilities, the utility shall prorate the total CIAC over the number of end-use customers expected to be served by the new or upgraded facilities within a period not to exceed 3 years, commencing with the in-service date of the new or upgraded facilities. The utility may require a payment equal to the full amount of the CIAC from the initial customer. For the 3-year period following the in-service date, the utility shall collect from those customers a prorated share of the original CIAC amount, and credit that to the initial customer who paid the CIAC. The utility shall file a tariff outlining its policy for the proration of CIAC.

(7) The utility may elect to waive all or any portion of the CIAC for customers, even when a CIAC is found to be applicable. If however, the utility waives a CIAC, the utility shall reduce net plant in service as though the CIAC had been collected, unless the Commission determines that there is a quantifiable benefit to the general body of ratepayers

commensurate with the waived CIAC. Each utility shall maintain records of amounts waived and any subsequent changes that served to offset the CIAC.

(8) A detailed statement of its standard facilities extension and upgrade policies shall be filed by each utility as part of its tariffs. The tariffs shall have uniform application and shall be nondiscriminatory.

(9) If a utility and applicant are unable to agree on the CIAC amount, either party may appeal to the Commission for a review.

Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 366.03, 366.05(1), 366.06(1) FS. History—New 7-29-69, Amended 7-2-85, Formerly 25-6.64, Amended.

PART V

RULES FOR RESIDENTIAL ELECTRIC UNDERGROUND EXTENSIONS

25-6.078 Schedule of Charges.

(1) Each utility shall file with the Commission a written policy that shall become a part of the utility's tariff rules and regulations on the installation of underground facilities in new subdivisions. Such policy shall be subject to review and approval of the Commission and shall include an Estimated Average Cost Differential, if any, and shall state the basis upon which the utility will provide underground service and its method for recovering the difference in cost of an underground system and an equivalent overhead system from the applicant at the time service is extended. The charges to the applicant shall not be more than the estimated difference in cost of an underground system and an equivalent overhead system.

(2) For the purpose of calculating the Estimated Average Cost Differential, cost estimates shall reflect the requirements of Rule 25-6.0342, Electric Infrastructure Storm Hardening Standards of Construction.

(3) On or before October 15 of each year each utility shall file with the Commission's Division of Economic Regulation Form PSC/ECR 13-E, Schedule 1, using current material and labor costs. If the cost differential as calculated in Schedule 1 varies from the Commission-approved differential by plus or minus 10 percent or more, the utility shall file a written policy and supporting data and analyses as prescribed in subsections (1), (4) and (5) of this rule on or before April 1 of the following year; however, each utility shall file a written policy and supporting data and analyses at least once every 3 years.

(4) Differences in Net Present Value of operational costs, including average historical storm restoration costs over the life of the facilities, between underground and overhead systems, if any, shall be taken into consideration in determining the overall Estimated Average Cost Differential. Each utility shall establish sufficient record keeping and accounting measures to separately identify operational costs for underground and overhead facilities, including storm related costs.

(5) Detailed supporting data and analyses used to determine the Estimated Average Cost Differential for underground and overhead distribution systems shall be concurrently filed by the utility with the Commission and shall be updated using cost data developed from the most recent 12-month period. The utility shall record these data and analyses on Form PSC/ECR 13-E (10/97). Form PSC/ECR 13-E, entitled "Overhead/Underground Residential Differential Cost Data" is incorporated by reference into this rule and may be obtained from the Division of Economic Regulation, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6900.

(6) Service for a new multiple-occupancy building shall be constructed underground within the property to be served to the point of delivery at or near the building by the utility at no charge to the applicant, provided the utility is free to construct its service extension or extensions in the most economical manner.

(7) The recovery of the cost differential as filed by the utility and approved by the Commission may not be waived or refunded unless it is mutually agreed by the applicant and the utility that the applicant will perform certain work as defined in the utility's tariff, in which case the applicant shall receive a credit. Provision for the credit shall be set forth in the utility's tariff rules and regulations, and shall be no more in amount than the total charges applicable.

(8) The difference in cost as determined by the utility in accordance with its tariff shall be based on full use of the subdivision for building lots or multiple-occupancy buildings. If any given subdivision is designed to include large open areas, the utility or the applicant may refer the matter to the Commission for a special ruling as provided under Rule 25-6.083, F.A.C.

(9) The utility shall not be obligated to install any facilities within a subdivision until satisfactory arrangements for the construction of facilities and payment of applicable charges, if any, have been completed between the applicant and the utility by written agreement. A standard agreement form shall be filed with the company's tariff.

(10) Nothing in this rule shall be construed to prevent any utility from waiving all or any portion of a cost differential for providing underground facilities. If, however, the utility waives the differential, the utility shall reduce net plant in service as though the differential had been collected unless the Commission determines that there is a quantifiable benefit to the general body of ratepayers commensurate with the waived differential.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.03, 366.04(1), (4), 366.04(2)(f), 366.06(1) FS. History—New 4-10-71, Amended 4-13-80, 2-12-84, Formerly 25-6.78, Amended 10-29-97, _____.

PART VII

UNDERGROUND ELECTRIC DISTRIBUTION FACILITY CHARGES

25-6.115 Facility Charges for Conversion of Existing Overhead Investor-owned Distribution Facilities.

(1) Each investor-owned shall file a tariff showing the non-refundable deposit amounts for standard applications addressing the conversion of existing overhead electric distribution facilities to underground facilities. The tariff shall include the general provisions and terms under which the public utility and applicant may enter into a contract for the purpose of converting existing overhead facilities to underground facilities. The non-refundable deposit amounts shall be calculated in the same manner as the engineering costs for underground facilities serving each of the following scenarios: urban commercial, urban residential, rural residential, existing low-density single family home subdivision and existing high-density single family home subdivision service areas.

(2) For purposes of this rule, the applicant is the person or entity requesting the conversion of existing overhead electric distribution facilities to underground facilities. In the instance where a local ordinance requires developers to install underground facilities, the developer who actually requests the construction for a specific location is deemed the applicant for purposes of this rule.

(3) Nothing in the tariff shall prevent the applicant from constructing and installing all or a portion of the underground distribution facilities provided:

(a) Such work meets the investor-owned utility's construction standards;

(b) The investor-owned utility will own and maintain the completed distribution facilities; and

(c) Such agreement is not expected to cause the general body of ratepayers to incur additional costs.

(4) Nothing in the tariff shall prevent the applicant from requesting a non-binding cost estimate which shall be provided to the applicant free of any charge or fee.

(5) Upon an applicant's request and payment of the deposit amount, an investor-owned utility shall provide a binding cost estimate for providing underground electric service.

(6) An applicant shall have at least 180 days from the date the estimate is received to enter into a contract with the public utility based on the binding cost estimate. The deposit amount shall be used to reduce the charge as indicated in subsection (7) only when the applicant enters into a contract with the public utility within 180 days from the date the estimate is received by the applicant, unless this period is extended by mutual agreement of the applicant and the utility.

(7) The charge paid by the applicant shall be the charge for the proposed underground facilities as indicated in subsection (8) minus the charge for overhead facilities as indicated in

subsection (9) minus the non-refundable deposit amount. The applicant shall not be required to pay an additional amount which exceeds 10 percent of the binding cost estimate.

(8) For the purpose of this rule, the charge for the proposed underground facilities shall include:

(a) The estimated cost of construction of the underground distribution facilities based on the requirements of Rule 25-6.0342, F.A.C., Electric Infrastructure Storm Hardening Standards of Construction, including the construction cost of the underground service lateral(s) to the meter(s) of the customer(s); and

(b) ~~The~~ estimated remaining net book value of the existing facilities to be removed less the estimated net salvage value of the facilities to be removed.

(9) For the purpose of this rule, the charge for overhead facilities shall be the estimated construction cost to build new overhead facilities, including the service drop(s) to the meter(s) of the customer(s). Estimated construction costs shall be based on the requirements of Rule 25-6.0342, F.A.C., Electric Infrastructure Storm Hardening Standards of Construction.

(10) An applicant requesting construction of underground distribution facilities under this rule may challenge the utility's cost estimates pursuant to Rule 25-22.032, F.A.C.

(11) For purposes of computing the charges required in subsections (8) and (9):

(a) The utility shall include the Net Present Value of operational costs including the average historical storm restoration costs for comparable facilities over the expected life of the facilities.

(b) If the applicant chooses to construct or install all or a part of the requested facilities, all utility costs, including overhead assignments, avoided by the utility due to the applicant assuming responsibility for construction shall be excluded from the costs charged to the customer, or if the full cost has already been paid, credited to the customer. At no time will the costs to the customer be less than zero.

(12) Nothing in this rule shall be construed to prevent any utility from waiving all or any portion of the cost for providing underground facilities. If, however, the utility waives any charge, the utility shall reduce net plant in service as though those charges had been collected unless the Commission determines that there is quantifiable benefits to the general body of ratepayers commensurate with the waived charge.

(13) Nothing in this rule shall be construed to grant any investor-owned electric utility any right, title or interest in real property owned by a local government.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.03, 366.04, 366.05 FS. History--New 9-21-92, Amended.

ADMINISTRATION COMMISSION

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

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 32, No. 47, November 22, 2006 issue of the Florida Administrative Weekly.

The above-referenced rules were published in the November 22, 2006, issue of the Florida Administrative Weekly, Vol. 32, No. 47. The body of the notice did not contain the Specific Authority and Law Implemented references for these rules. The Specific Authority and Law Implemented references are as follows:

SPECIFIC AUTHORITY: 120.54(5) FS.

LAW IMPLEMENTED: 120.565 FS.

The foregoing correction does not affect the substance of the proposed rules.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CORRECTION IS: Barbara Leighty, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001, (850)487-1884

ADMINISTRATION COMMISSION

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

28-106.401	Scope
28-106.402	Contents of Request for Mediation
28-106.501	Emergency Action

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 32, No. 47, November 22, 2006 issue of the Florida Administrative Weekly.

The above-proposed rules were published in the November 22, 2006, issue of the Florida Administrative Weekly, Vol. 32, No. 47. The body of the notice did not contain the Specific Authority and Law Implemented references for these rules. The Specific Authority and Law Implemented references are as follows:

SPECIFIC AUTHORITY: 120.54(3), (5) FS.

LAW IMPLEMENTED: 120.54(5), 120.569, 120.57, 120.573, 120.60, 120.60(6) FS.

The foregoing correction does not affect the substance of the proposed rules.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CORRECTION IS: Barbara Leighty, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001, (850)487-1884

ADMINISTRATION COMMISSION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
28-106	Decisions Determining Substantial Interests
RULE NO.:	RULE TITLE:
28-106.501	Emergency Action

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 32, No. 47, November 22, 2006 issue of the Florida Administrative Weekly.

The above-proposed rule was published in the November 22, 2006, issue of the Florida Administrative Weekly, Vol. 32, No. 47. The body of the notice did not contain the title for the new Rule 28-106.501. The title is as follows:

PART V EMERGENCY ACTION

The foregoing correction does not affect the substance of the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CORRECTION IS: Barbara Leighty, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001, (850)487-1884

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-601.210	Custody Classification

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. 39, (September 29, 2006), issue of the Florida Administrative Weekly:

33-601.210 Custody Classification.

(1) through (3) No change.

(4) Progress Assessments.

(a) through (b) No change.

(c) ~~Unless precluded for security or other substantial reasons, All all inmates are required shall be scheduled to appear and be present for assessments and reviews unless a permanent medical condition makes them incapable of participating and the reason is documented in the review. Under any other circumstances, the assessment and review shall be rescheduled if the inmate fails to appear or is temporarily unavailable to attend as scheduled.~~ An inmate shall be notified a minimum of forty-eight hours in advance of an assessment and review unless the inmate waives such notice in writing. All inmates shall be scheduled for assessments ~~Assessments and reviews shall be completed~~ as follows:

1. through 4. No change.

(d) through (m) No change.

(5) No change.

Specific Authority 944.09, 958.11 FS. Law Implemented 20.315, 921.20, 944.09, 944.17(2), 944.1905, 958.11 FS. History--New 12-7-81, Formerly 33-6.09, Transferred from 33-6.009, Amended 6-8-82, 10-26-83, 6-8-86, 7-8-86, 10-27-88, 1-1-89, 7-4-89, 10-12-89, 1-2-91, 7-21-91, 8-30-92, 5-13-96, 6-12-96, 11-19-96, 10-15-97, Formerly 33-6.0045, Amended 9-19-00,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.602 RULE TITLE: Community Release Programs
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. 39, (September 29, 2006), issue of the Florida Administrative Weekly:

33-601.602 Community Release Programs.

(1) through (9) No change.

(10) Disbursement of Earnings.

(a) through (c) No change.

(d) The inmate shall be required to disburse such funds to pay the facility for subsistence at the following rates:

1. No change.

2. For all other inmates the amount of subsistence to be paid will be computed by factoring .45 (45%) ~~.65 (65%)~~ times the inmate's net earnings.

(e) through (h) No change.

(i) While in paid employment status, the ~~The~~ inmate shall be responsible for reimbursing the Department for costs associated with ~~while in paid employment status for~~ the following:

1. Health, comfort items, and incidental expenses.

2. Medical and dental expenses; ~~unless waived by the regional health authority.~~

3. No change.

4. No change.

(j) through (l) No change.

(11) through (16) No change.

Specific Authority 945.091, ~~946.002~~ FS. Law Implemented 945.091, ~~946.002~~ FS. History--New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, 3-2-04, 10-28-04, 2-7-05,_____.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE CHAPTER NO.: RULE CHAPTER TITLE:

60BB-8

Voluntary Prekindergarten Program

NOTICE OF PUBLIC HEARING

The The Department of Management Services, Agency for Workforce Innovation, Office of Early Learning announces an additional hearing regarding the above rule, as noticed in Vol. 32, No. 38, September 22, 2006 Florida Administrative Weekly.

DATE AND TIME: Friday, January 12, 2007, 12:00 noon until 1:30 p.m.

PLACE: The Agency for Workforce Innovation, Room B-049, Caldwell Building, 107 East Madison Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed Amendments to the following Voluntary Prekindergarten Education Program ("VPK") Rules: 60BB-8.100 Definitions, 60BB-8.200 Documenting Child Eligibility for the VPK Program, 60BB-8.201 Child Registration Procedures; Application; Parent-Orientation Session, 60BB-8.202 Child Eligibility Determination and Enrollment Procedures, 60BB-8.204 Uniform Attendance Policy for Funding the VPK Program, 60BB-8.300 Provider and Class Registration, Procedures; Application; Eligibility Determination, 60BB-8.301 Statewide Provider Agreement for the VPK Program, and 60BB-8.400 VPK Class Sizes; Blended Classes; Multi-Class Groups.

Also the following Proposed VPK Rules: 60BB-8.2015 VPK Child Registration Pilot Project, 60BB-8.305 Documenting and Certifying Child Attendance in the VPK Program, 60BB-8.451 VPK Class Schedules, 60BB-8.900 VPK Forms, and 60BB-8.901 Qualified Contractors.

A copy of the Proposed Rules was published in the September 22, 2006, issue of the Florida Administrative Weekly (Vol. 32, No. 38) and is available online at: <http://faw.dos.state.fl.us/fawframes.html>

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Veronica Moss at (850)245-7150. 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).

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

<p>RULE NO.: 62-312.824</p>	<p>RULE TITLE: General Permit to Counties and Municipalities to Pave Existing County or Municipally Owned and Maintained Roads, including the Repair and Replacement of Bridges that are Part of the Roadway</p>
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NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 2, January 13, 2006 issue of the Florida Administrative Weekly.

The changes are made in response to comments received from the Joint Administrative Procedures Committee. The proposed rule has changed so that when it is adopted it will read:

62-312.824 General Permit to Counties and Municipalities to Pave Existing County or Municipally Owned and Maintained Roads, including the Repair and Replacement of Bridges that are Part of the Roadway.

A general permit is hereby granted to counties and municipalities to pave existing county or municipally owned and maintained roads that lack a permanent pavement surface, such as concrete or asphalt. This includes the repair and stabilization of such roads in preparation of paving; the repair or replacement of bridges and culverts that are part of the roadway; construction or alteration of associated stormwater management systems; other work reasonably necessary to pave the road; and the construction, alteration, operation, and maintenance of systems and works authorized under this general permit, provided all of the terms and conditions below are met.

- (1) through (2) No change.
- (3) Activities conducted under this general permit must comply with the general conditions for general permits contained in Rule 62-4.540, F.A.C., and all the specific conditions in paragraphs (a) through (j), below.
 - (a) No change.

(b) No debris from the removal of existing roadway, bridge, culvert, and other surface water management features shall be placed ~~allowed to remain~~ within surface waters of the state.

- (c) through (h) No change.
- (i) Applicants are advised that the drawings, materials, and statements above, including any submitted construction plans and supporting calculations, must be signed, sealed, and dated by an appropriate registered professional in accordance with Sections 373.117 and 403.0877, F.S., and Chapters 471, 472, 481, or 492, F.S., when the design of the system requires the services of such registered professional. For purposes of this rule, an "appropriate registered professional" means a professional registered in Florida with the necessary expertise in the fields of hydrology, drainage, flood control, erosion and sediment control, and stormwater pollution control to design and certify stormwater management systems. Examples of appropriate registered professionals are professional engineers licensed under Chapter 471, F.S., professional landscape architects licensed under Chapter 481, F.S., professional surveyors and mappers licensed under Chapter 472, F.S., and professional geologists licensed under Chapter 492, F.S.

- (j) No change.
- (4) No change.
- (5) Notices to use this general permit must be submitted to the Department on form 62-312.900(6). In addition to the information required on that form, this notice must also include the materials required in paragraphs (5)(a) or (b), below.
 - (a) No change.
 - 1. through 3. No change.
 - 4. A copy of a Federal Emergency Management Agency flood insurance rate map or a map signed and sealed by an appropriate registered professional ~~engineer registered in Florida~~ that demonstrates that the road segments to be paved are not subject to overtopping by a one percent-chance storm event.
 - (b) For all other roads to be paved under this general permit:
 - 1. through 5. No change.
 - 6. If design of the project requires the services of an appropriate registered professional in accordance with Sections 373.117 and ~~or~~ 403.0877, F.S., and Chapter 471, 472, 481, or 492, F.S., all supporting drawings, materials, statements, construction plans, and calculations that are required to be signed, sealed, and dated by the registered professional.
 - (c) No change.
 - (6) No change.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-341.448
 RULE TITLE: General Permit to Counties and Municipalities to Pave Existing County or Municipally Owned and Maintained Roads, including the Repair and Replacement of Bridges that are Part of the Roadway

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 2, January 13, 2006 issue of the Florida Administrative Weekly.

The changes are made in response to comments received from the Joint Administrative Procedures Committee. The proposed rule has changed so that when it is adopted it will read:

62-341.448 General Permit to Counties and Municipalities to Pave Existing County or Municipally Owned and Maintained Roads, including the Repair and Replacement of Bridges that are Part of the Roadway.

A general permit is hereby granted to counties and municipalities to pave existing county or municipally owned and maintained roads that lack a permanent pavement surface, such as concrete or asphalt. This includes: the repair and stabilization of such roads in preparation of paving, the repair or replacement of bridges and culverts that are part of the roadway, construction or alteration of associated stormwater management systems, and other work reasonably necessary to pave the road, provided:

- (1) through (2) No change.
- (3) Activities conducted under this general permit must comply with the general conditions for general permits contained in Rule ~~62-341.215~~ ~~62-341.205~~, F.A.C., and all the specific conditions in paragraphs (a) through (k) below.
 - (a) No change.
 - (b) No debris from the removal of existing roadway, bridge, culvert, and other surface water management features shall be placed ~~allowed to remain~~ within wetlands or other surface waters.
 - (c) through (i) No change.
 - (j) Applicants are advised that drawings, any submitted construction plans, and supporting calculations must be signed, sealed, and dated by an appropriate registered professional in accordance with Sections 373.117 and 403.0877, F.S., and Chapters 471, 472, 481, or 492, F.S., when the design of the system requires the services of such registered professional. For purposes of this rule, an "appropriate registered professional" means a professional registered in Florida with the necessary expertise in the fields of hydrology, drainage, flood control, erosion and sediment control, and stormwater pollution control to design and certify stormwater management systems. Examples of appropriate registered professionals are professional

engineers licensed under Chapter 471, F.S., professional landscape architects licensed under Chapter 481, F.S., professional surveyors and mappers licensed under Chapter 472, F.S., and professional geologists licensed under Chapter 492, F.S.

- (k) No change.
- (4) No change.
- (5) Notices to use this general permit shall be submitted to the water management district established under Section 373.069, F.S., having regulatory jurisdiction over the geographic area in which the proposed project will be located using the form for noticing general permits for the applicable water management district as adopted in subsections 40B-1.901(13), 40C-4.900(1), Rule 40D-1.659, or 40E-1.659, F.A.C. In addition to the information required on those forms, this notice must also include the materials required in paragraphs (5)(a) or (b), below.
 - (a) No change.
 - 1. through 3. No change.
 - 4. A copy of a Federal Emergency Management Agency flood insurance rate map or a map signed and sealed by an appropriate registered professional ~~registered in Florida~~ that demonstrates that the road segments to be paved are not subject to overtopping by a one percent-chance storm event.
 - (b) For all other roads to be paved under this general permit:
 - 1. through 5. No change.
 - 6. If design of the project requires the services of an appropriate registered professional in accordance with Sections 373.117 and ~~or~~ 403.0877, F.S., and Chapter 471, 472, 481, or 492, F.S., all supporting drawings, materials, statements, construction plans, and calculations that are required to be signed, sealed, and dated by the registered professional.
 - (c) No change.
 - (7) renumbered (6) No change.

DEPARTMENT OF HEALTH

Board of Chiropractic

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

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. 33, August 18, 2006 issue of the Florida Administrative Weekly.

When changed subsection (1) of the rule shall read as follows: "No license shall ~~be granted and no license shall~~ be initially renewed ~~or reactivated~~ unless the applicant or licensee submits confirmation to the Board, ~~on a form approved by the Board,~~

that he or she has successfully completed a Board-approved course on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS).”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.015
 RULE TITLE: Qualifications of Physicians Who Evaluate and Treat Sex Offenders

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. 24, June 16, 2006 issue of the Florida Administrative Weekly.

This is an additional change to the previous Notice of Change which published in Vol. 32, No. 50, of the December 15, 2006, Florida Administrative Weekly. The previous Notice of Change contained an incorrect reference in subsection (4) of the rule. The reference in subsection (4) to “subsection (1)(c)” shall be changed to “subsection (3).”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Board of Nursing

RULE NOS.: 64B9-17.001, 64B9-17.003
 RULE TITLES: Statement of Intent of Purpose, Competency and Knowledge Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S. to the proposed rule, published in Vol. 31, No. 11 of the March 18, 2005 issue of the Florida Administrative Weekly. The changes reflect additional amendments to the proposed rule that have been made since a Notice of Change was published in Vol. 32, No. 22 of the June 2, 2006 issue of the Florida Administrative Weekly. These additional changes were made to address concerns expressed by the Joint Administrative Procedure Committee, and to delete unnecessary duplicate language. The additional changes were approved by the Board at its November 30, 2006 meeting. After the changes are made to the affected parts of the rule, those parts of the rule will read as follows:

Subsection (2) of Rule 64B9-17.001 will now read as follows:

(2) The purpose of this rule is to protect the public by ensuring that competent registered nurses administer conscious sedation and deep sedation. The rule sets out the education and/or competency verification necessary to administer medications for conscious sedation and deep sedation under specific conditions. Pursuant to Section 464.018(1)(h), F.S., the act of administering medications for conscious sedation by a registered nurse without the education and verification of competency outlined in these ~~this~~ rules would constitute unprofessional conduct and would also be a violation of Section 464.018(1)(j) and (n), F.S. Further, this rule is beyond the scope of practice for the licensed practical nurse or the tasks allowed for unlicensed assistive personnel. The administration of medications via any route for the purpose of general anesthesia or medications that the manufacturer package insert indicates should be administered only by persons trained in the administration of anesthesia is not within the scope of registered nursing or licensed practical nursing practice.

Subsection (1) of Rule 64B9-17.003 will now read as follows:

(1) A registered nurse may administer medications to achieve conscious sedation during therapeutic, diagnostic, or surgical procedures; provided the registered nurse has completed the knowledge, education and competency requirements in this rule, and may manage patients who are receiving and recovering from conscious sedation.

Paragraph (1)(c) of Rule 64B9-17.003 will now read as follows:

(c) The registered nurse must have successfully completed a minimum of eight hours of education or training program in conscious sedation ~~developed by the institution or by an approved continuing education provider~~. The content of that education or training program must, at a minimum, ~~be eight hours in length, include instruction contain information~~ on the definitions, knowledge, education and competency requirements and scope of practice set forth in this rule, including the continuum of levels of sedation; ~~and~~ on drugs used during conscious sedation, including reversal agents, their actions, side-effects and untoward effects, and any manufacturer package insert; and assessment and monitoring of the patient receiving the medication. The education or training program must also include instruction on ~~address~~ recognition of emergency situations; institution of appropriate nursing interventions; and evaluation of physiologic measurements, such as respiratory rate, oxygen saturation, blood pressure, cardiac rate and rhythm, and the patient’s level of consciousness. An educational or training program developed by the employing institution or an approved continuing education provider that meets the requirements of this rule may be used to demonstrate appropriate competency.

Subsection (2) of Rule 64B9-17.003 will now read as follows:

(2) In a hospice program, a registered nurse may administer medications to achieve conscious sedation for palliative care and may manage patients who are receiving conscious sedation, provided the registered nurse has completed the knowledge, education and competency requirements and adheres to the scope of practice provisions in this rule, and the hospice program meets the requirements of subsections (1)(i) and (j) of this rule, and may manage patients who are receiving conscious sedation.

~~(a) The registered nurse administers medications only in dosages titrated to achieve conscious sedation for palliative care.~~

~~(b) The registered nurse must have successfully completed a program in conscious sedation developed by the institution or by an approved continuing education provider. The content of that program must, at a minimum, be four hours in length, contain information on the definitions, knowledge, education and competency requirements in this rule, including the continuum of levels of sedation, and on drugs used during conscious sedation, including reversal agents, their actions, side effects and untoward effects, manufacturer package insert, and assessment and monitoring of the patient receiving the medication. The program shall be appropriate to palliative care and must also address recognition of emergency situations, institution of appropriate nursing interventions, and evaluation of physiologic measurements, such as respiratory rate, oxygen saturation, blood pressure, cardiac rate and rhythm, and the patient's level of consciousness.~~

~~(c) The registered nurse administers medications to achieve conscious sedation by executing the order of a qualified anesthesia provider or physician licensed under Chapter 458 or 459, F.S. Although the determination of medical dosage and the patient's medical status is a medical decision, the registered nurse has the right and the obligation to question orders and decisions which are contrary to acceptable standards of nursing practice, to refuse to participate in procedures which may result in harm to the patient, and to refuse to administer or continue to administer medications in amounts that may induce general anesthesia or that may lead to respiratory or cardiovascular compromise.~~

~~(d) The institution must have written protocols in place to include, but not be limited to: drug administration, location and availability of manufacturer package inserts for medication to be used in conscious sedation, and availability of a physician. These protocols must be reviewed at frequent intervals to assure that they are within current and accepted standards of practice. The frequency of review should be consistent with review of other policies in the institution or practice setting.~~

~~(e) The institution must have a mechanism for determining and documenting education/training, clinical competency, and a process for documenting the individual's demonstration of knowledge, skills, and ability related to management of patients during conscious sedation. Both evaluation and~~

~~documentation of competence shall be done on an annual basis and within current and expected standards of nursing practice and within parameters established in manufacturer package inserts for medications used for conscious sedation.~~

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-3.001
RULE TITLE: Definitions

NOTICE OF PUBLIC HEARING

The Board of Orthotists and Prosthetists announces regarding the above rule, as noticed in Vol. 32, No. 45, November 9, 2006 Florida Administrative Weekly.

DATE AND TIME: January 9, 2007, 1:00 p.m.

PLACE: Board Office, Room 115A, 1st Floor, 4042 Bald Cypress Way, Tallahassee, Florida 32399-3259

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Orthotists and Prosthetists hereby gives notice of a public hearing on the above-referenced rules to be held on January 9, 2007 at 1:00 p.m. at the Board Office, Room 115A, 1st Floor, 4042 Bald Cypress Way, Tallahassee, Florida 32399-3259. The rules were originally published in Vol. 32, No. 45 of the November 9, 2006 Florida Administrative Weekly.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259. 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).

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NOS.: 64B14-4.100
RULE TITLES: Requirements for Prosthetic or Orthotic Residency or Internship
64B14-4.110
Requirements for Orthotic Fitter, Orthotic Fitter Assistant and Pedorthic

NOTICE OF PUBLIC HEARING

The Board of Orthotists and Prosthetists announces a hearing regarding the above rule, as noticed in Vol. 32, No. 45, November 9, 2006, Florida Administrative Weekly.

DATE AND TIME: January 9, 2007, 1:00 p.m.

PLACE: Board Office, Room 115A, 1st Floor, 4042 Bald Cypress Way, Tallahassee, Florida 32399-3259

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Orthotists and Prosthetists hereby gives notice of a public hearing on the above-referenced rules to be held on January 9, 2007 at 1:00 p.m. at the Board Office, Room 115A, 1st Floor, 4042 Bald Cypress Way, Tallahassee, Florida 32399-3259. The rules were originally published in Vol. 32, No. 45 of the November 9, 2006 Florida Administrative Weekly.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting John Garrison.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259. 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).

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-6.009
 RULE TITLE: Identification Tags-Acceptable Materials, Locations, and Methods of Affixing

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. 42, October 20, 2006 issue of the Florida Administrative Weekly.

Subparagraph (1)(b)3. has been added to provide as follows:

- 3. A threaded casket insert at the end of the casket.

Subparagraph (1)(c)6. has been added to provide as follows:

- 6. Inside a threaded casket insert with gasket sealed with a threaded brass cap with gasket.

Subsection (6) has been deleted.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE NO.: 69L-6.021
 RULE TITLE: Construction Industry Classification Codes, Descriptions, and Operations

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 32, No. 43, October 27, 2006 issue of the Florida Administrative Weekly.

The notice of rulemaking incorrectly advertised the date the notice of proposed rule development was published as July 11, 2006. The correct publication date for the notice of proposed rule development was June 16, 2006.

**Section IV
 Emergency Rules**

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.: 12BER06-6 12BER06-7 12BER06-8 12BER06-9	RULE TITLES: Scope; Definitions; Index Price Imposition of the Gross Receipts Tax Registration for Gross Receipts Tax Purposes Payment of Gross Receipts Tax; Reports
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SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2005-148, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules, and to renew such rules, to implement the provisions of that law. The promulgation of these emergency rules ensures that the appropriate procedures and forms are available for reporting and remitting gross receipts tax on utility service.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of emergency rules, and the renewal of such rules, to ensure the prompt availability of procedures taxpayers can follow to comply with Chapter 203, F.S. (as amended by Chapter 2005-148, Laws of Florida). The Department of Revenue previously sought comment on these emergency rules to the extent possible within the time restraints resulting from the statutory requirements. The preliminary text of proposed rules regarding the imposition of the gross receipts tax on utility services was posted on the Department of Revenue web site. A rule development workshop was held on November 16, 2005, to receive public comments regarding the preliminary text. The public comments received were considered by the Department in preparation of these emergency rules.

SUMMARY: Emergency Rule 12BER06-6 (Scope; Definitions; Index Price): (1) provides that Emergency Rules 12BER06-6 through 12BER06-9 apply to the tax imposed under Chapter 203, F.S., on utility services delivered to a retail consumer in Florida; (2) defines the terms "cost price," "distribution company," "Department," "electricity index price," "gas index price," "gross receipts," "utility services," and "person" for purposes of Emergency Rules 12BER06-6 through 12BER06-9; (3) provides that the gross receipts tax imposed on certain utility services delivered to a retail consumer in Florida is based on an index price; (4) provides