

## Section I

### Notices of Development of Proposed Rules and Negotiated Rulemaking

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

##### Division of Agricultural Environmental Services

###### RULE NOS.:

5E-14.106

###### RULE TITLES:

Use of Pesticides – Labels,  
Limitations, Precautions

5E-14.117

Application for Examination for Pest  
Control Operator's Certificate and  
Special Identification Card

5E-14.149

Enforcement and Penalties

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rules are to add amendments to the rule allowing secondary treatments for preventive treatment for subterranean termite protection for new construction that do not have to be to all areas specified on the label of the pesticide, provided that a primary treatment is applied to all areas specified on the label, implement statutory changes to the requirements for limited certification for commercial landscape maintenance, and establish failure to obtain pest control identification cards as a major violation of department rules.

**SUBJECT AREA TO BE ADDRESSED:** Use of Pesticides for Preventive Treatment for New Construction, Limited Certification for Commercial Landscape Maintenance, and Enforcement and Penalties.

**SPECIFIC AUTHORITY:** 482.051 FS.

**LAW IMPLEMENTED:** 482.051, 482.156, 482.161 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:** March 9, 2007, 10:00 a.m.

**PLACE:** George Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, Florida 32399

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Mr. Steve Dwinell, Division of Agricultural Environmental Services, 3125 Conner Boulevard, Tallahassee, Florida 32399, telephone: (850)488-7447

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

5E-14.106 Use of Pesticides – Labels, Limitations, Precautions.

(1) through (5) No change.

(6) Pesticides used as the primary ~~for~~ treatment for the prevention of subterranean termites for new construction shall be applied in the specific amounts, concentration, and treatment areas designated by the label.

(7) through (8) No change.

(9) When a pesticide registered as a preventive treatment for new construction has been applied as the primary a preventive treatment for a structure in accordance with subsection 5E-14.106(6), F.A.C., or will be applied prior to completion of construction, a secondary treatment using a second pesticide registered for preventive treatment for new construction may be applied ~~in the amounts, concentration, and treatment area in~~ accordance with label directions.

Specific Authority 482.051 FS. Law Implemented 482.051(1) FS., P.L. 92-516, Section 1, Chapter 92-203, Laws of Florida, 482.051(5), as amended July 1, 2006, Ch. 2006-289, Laws of Florida. History–New 1-1-77, Amended 6-27-79, 6-22-83, 10-25-90, Formerly 10D-55.106, Amended 7-5-95, 4-17-03, 6-30-05,\_\_\_\_\_.

5E-14.117 Application for Examination for Pest Control Operator's Certificate and Special Identification Card.

(1) through (10) No change.

(11) Applicants for limited certification in Commercial Landscape Maintenance shall submit an examination fee of \$150, ~~and be required to show evidence of having been in the landscape maintenance business for at least three years by submission of the following:~~

~~(a) A signed statement by the applicant which recites:~~

~~1. The dates during which the applicant participated in the landscape maintenance business.~~

~~2. The address or addresses at which the applicant performed landscape maintenance business activities.~~

~~3. The name or names of the employer(s) for whom applicant performed landscape maintenance business activities.~~

~~(b) Independent proof of participation in the lawn maintenance business for three (3) years including any one of the following:~~

~~1. W-2 employment records.~~

~~2. Federal tax returns.~~

~~3. Occupational licenses.~~

~~4. Executed employment contracts or any other business or operational documentation which is regularly maintained as a business or operational record by any governmental agency, organization, business or person.~~

~~5. The annual recertification fee shall be \$75.~~

(12) through (17) No change.

Specific Authority 482.051 FS. Law Implemented, 482.156 FS., as amended July 1, 2006, Ch. 2006-289, Laws of Florida. History–New 1-1-77, Amended 6-27-79, 6-22-83, 10-25-90, Formerly 10D-55.117, Amended 8-11-93, 7-5-95, 5-28-98, 4-29-02,\_\_\_\_\_.

5E-14.149 Enforcement and Penalties.

(1) through (2) No change.

(3) Category of Violations. Minor violations are all violations other than those classified as major violations. Major violations are violations where:

(a) through (k) No change.

(l) A licensee or certified operator fails to comply with Chapter 482.091(1) or (2), F.S.

(4) through (15) No change.

Specific Authority 482.051, 570.07(23) FS. Law Implemented 482.161, 482.163, 482.165, 570.07(36) FS. History--New 7-13-06, Amended \_\_\_\_\_.

#### **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

#### **AGENCY FOR HEALTH CARE ADMINISTRATION**

##### **Medicaid**

RULE NO.: 59G-6.010                      RULE TITLE: Payment Methodology for Nursing Home Services

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan payment methodology, effective January 1, 2007.

The certified nursing assistant staffing ratio will be modified in accordance with Section 400.23(3), Florida Statutes, and the 2006-07 General Appropriations Act, House Bill 5001, Specific Appropriation 243, effective January 1, 2007.

SUBJECT AREAS TO BE ADDRESSED: Nursing home staffing ratios.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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: March 6, 2007, 2:00 p.m. – 3:00 p.m.

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)414-2759 or by e-mail at [stephene@ahca.myflorida.com](mailto:stephene@ahca.myflorida.com)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE. PLEASE CONTACT THE PERSON LISTED ABOVE FOR A COPY OF THE PROPOSED RULE.

#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

#### **DEPARTMENT OF HEALTH**

##### **Board of Massage**

RULE NO.: 64B7-25.001                      RULE TITLE: Examination Requirements

PURPOSE AND EFFECT: Approved examinations.

SUBJECT AREA TO BE ADDRESSED: Examination Requirements.

SPECIFIC AUTHORITY: 456.013(7), 456.017(1)(c), 456.034, 480.035(7), 480.041(2), 480.42(1) FS.

LAW IMPLEMENTED: 456.013(7), 456.017(1), 456.034, 480.041, 480.042 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

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

#### **DEPARTMENT OF HEALTH**

##### **Board of Massage**

RULE NO.: 64B7-28.010                      RULE TITLE: Requirements for Board Approval of Continuing Education Programs

PURPOSE AND EFFECT: Approval of continuing education programs.

SUBJECT AREA TO BE ADDRESSED: Requirements for Board Approval of Continuing Education Programs.

SPECIFIC AUTHORITY: 455.213(6), 480.035(7), 480.0415, 480.0425 FS.

LAW IMPLEMENTED: 455.213(6), 480.0415, 480.0425 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

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

## DEPARTMENT OF HEALTH

### Board of Osteopathic Medicine

RULE NO.:	RULE TITLE:
64B15-14.011	Requirements to be a Qualified Practitioner for Completing Risk Assessments and Treatment of Sexual Offenders

PURPOSE AND EFFECT: The Board proposes the development of a rule to set forth the requirements for osteopathic physicians who provide risk assessments and treatment for sexual offenders.

SUBJECT AREA TO BE ADDRESSED: Requirements for practitioners who complete risk assessments and treatment for sexual offenders.

SPECIFIC AUTHORITY: 947.005(9), 948.001(6), 459.005 FS.

LAW IMPLEMENTED: 947.005, 948.30 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

### Economic Self-Sufficiency Program

RULE NO.:	RULE TITLE:
65A-4.2131	Learnfare Requirements

PURPOSE AND EFFECT: This rule amendment will remove reference to obsolete forms.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment removes reference to obsolete forms as the Learnfare information has been incorporated into the Rights and Responsibilities Form.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.125 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: March 7, 2007, 1:30 p.m.

PLACE: 1317 Winewood Blvd., Bldg. 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lonna Cichon, Government Operations Consultant II, Food Stamps/TANF Policy, 1317 Winewood Boulevard, Building 3, Room 406, Tallahassee, Florida 32399-0700. Telephone (850)488-8004

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

## DEPARTMENT OF FINANCIAL SERVICES

### Division of Consumer Services

RULE NO.:	RULE TITLE:
69J-7.005	Criminal History Checks and Drug Testing of Inspectors

PURPOSE AND EFFECT: This rule implements Section 215.5586(1)(b)1.b., F.S., by incorporating a pamphlet which contains procedures relating to the mandatory level II criminal history checks and mandatory drug testing.

SUBJECT AREA TO BE ADDRESSED: The Florida Comprehensive Hurricane Damage Mitigation Program – criminal history checks and drug testing of persons providing home inspections in the Program.

SPECIFIC AUTHORITY: 215.5586(6) FS.

LAW IMPLEMENTED: 215.5586 FS.

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

DATE AND TIME: Monday, March 5, 2007, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Patricia Woerner, (850)413-2815. 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 IS: Patricia Woerner, 5th Floor Larson Building, 200 E. Gaines St., Tallahassee FL 32399-0333; Email patrica.woerner@FLDFS.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69J-7.005 Criminal History Checks and Drug Testing of Inspectors.

The standards and procedures for criminal history checks and drug testing of inspectors providing home inspection services pursuant to Section 215.5586 F.S., as required by Section 215.5586(1)(b)1.b., F.S., are set forth in Florida Department of Financial Services Florida Comprehensive Hurricane Damage Mitigation Program, Criminal History Check And Drug Test Guide For Inspectors, (Eff. \_\_\_\_\_), which is hereby incorporated by reference into this rule. A copy of the aforementioned publication may be obtained by contacting the Department of Financial Services, Division of Consumer Services, 1(800)342-2762.

Specific Authority 215.5586(6) FS. Law Implemented 215.5586 FS. History-New \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES****Division of Consumer Services**

RULE NO.: 69J-7.006                      RULE TITLE: Grants Directly from the Department to Homeowners

PURPOSE AND EFFECT: This rule implements Section 215.5586, F.S., by incorporating the pamphlet which contains the procedures and forms by which individual homeowners may apply to the Department for a grant, be awarded a grant, and receive payment of grant funds, under the Florida Comprehensive Hurricane Damage Mitigation Program.

SUBJECT AREA TO BE ADDRESSED: The Florida Comprehensive Hurricane Damage Mitigation Program.

SPECIFIC AUTHORITY: 215.5586(6) FS.

LAW IMPLEMENTED: 215.5586 FS.

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

DATE AND TIME: Monday, March 5, 2007, 11:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Patricia Woerner, (850)413-2815. 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 IS: Patricia Woerner, 5th Floor Larson Building, 200 E. Gaines St., Tallahassee FL 32399-0333; Email patrica.woerner@FLDFS.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69J-7.006 Grants Directly from the Department to Homeowners.

The procedures and forms by which individual homeowners may apply to the Department for a grant, be awarded a grant, and receive payment of grant funds, under the Florida Comprehensive Hurricane Damage Mitigation Program, pursuant to Section 215.5586 F.S., are set forth in Florida Department of Financial Services, Florida Comprehensive Hurricane Damage Mitigation Program, Homeowner Guide to Grants (Eff. \_\_\_\_\_), which is hereby incorporated by reference into this rule. A copy of the aforementioned publication may be obtained by contacting the Department of Financial Services, Division of Consumer Services, 1(800)342-2762.

Specific Authority 215.5586(6) FS. Law Implemented 215.5586 FS. History-New \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES****Division of Worker's Compensation**

RULE NO.: 69L-6.027                      RULE TITLE: Penalty Calculation Worksheet

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to revise the penalty language and penalty calculation process used in Form DFS-F4-1595, Penalty Calculation Worksheet. The effect of the proposed amendment is to harmonize the penalty language to conform to language used in related forms and provide a more equitable means of calculating penalties relating to underreporting violations.

SUBJECT AREA TO BE ADDRESSED: Proposed revisions to Form DFS-F4-1595 (eff. \_\_\_\_\_), Penalty Calculation Worksheet.

SPECIFIC AUTHORITY: 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.107(7) FS.

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

DATE AND TIME: Monday, March 5, 2007, 2:00 p.m.

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, S.E., Tallahassee, FL 32399-4229

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Andrew Sabolic, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, phone (850)413-1628 or ANDREW.SABOLIC@fldfs.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

## 69L-6.027 Penalty Calculation Worksheet.

(1) For purposes of calculating penalties to be assessed against employers pursuant to Section 440.107, F.S., the Division shall use form # DFS-F4-1595 (eff. \_\_\_\_\_) (~~rev. 9/04~~) which is incorporated herein by reference.

(2) Copies of this form DFS-F4-1595 (eff. \_\_\_\_\_) (~~rev. 9/04~~) are available from the Division of Workers' Compensation, Department of Financial Services, Larson Building, Tallahassee, Florida 32399-4226.

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107(7) FS. History--New 12-29-04, Amended.

**FINANCIAL SERVICES COMMISSION****OIR – Insurance Regulation**

RULE NO.: RULE TITLE:  
69O-137.012 Hurricane Loss Data

PURPOSE AND EFFECT: To develop a reporting form for the collection of Hurricane Loss Data as authorized by Section 627.713, F.S.

SUBJECT AREA TO BE ADDRESSED: Reporting of Hurricane Loss Data.

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 627.713 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: March 7, 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: Angela Lockwood, Manager, Market Research, Office of Insurance Regulation, E-mail: Angela.Lockwood@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: Angela Lockwood, Manager, Market Research, Office of Insurance Regulation, E-mail: Angela.Lockwood@fldfs.com

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

## Section II

### Proposed Rules

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

14-15 Incorporation by Reference

RULE NO.: RULE TITLE:

14-15.017 Safety and Security Oversight Program Standards Manual for Fixed Guideway Transportation Systems

PURPOSE AND EFFECT: This rule, which incorporates by reference the *Safety and Security Oversight Program Standards Manual for Fixed Guideway Transportation Systems*, is being amended to incorporate a revised version of the manual. The proposed amendments are necessary to address findings resulting from a Federal Transit Administration June 2006, audit of the Safety Oversight Program required under 49 C.F.R., Part 659.

SUMMARY: The *Safety and Security Oversight Program Standards Manual for Fixed Guideway Transportation Systems*, April 2007, edition, is being incorporated by reference within this rule. This revised edition replaces the February 2006, edition previously incorporated by reference.

SPECIFIC AUTHORITY: 341.061 FS.

LAW IMPLEMENTED: 341.041, 341.061 FS.

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

14-15.017 Safety and Security Oversight Program Standards Manual for Fixed Guideway Transportation Systems.

The *Safety and Security Oversight Program Standards Manual for Fixed Guideway Transportation Systems*, April 2007 ~~February 2006~~, edition, is hereby incorporated by this rule and made a part of the rules of the Department of Transportation. Copies of this Department manual and any amendments