

but not later than thirty (30) days prior to the date of such acquisition. Such applications must be filed in accordance with Section 516.03, F.S.

(4) The office shall waive the requirement for a licensee to file a new application pursuant to subsection 516.05(5), F.S.:

(a) when a person or group of persons proposing to purchase or acquire a controlling interest in a Chapter 516, F.S., licensee has previously filed with the Office the information required in Section 516.03, F.S., with the licensee to the office, provided that such person is currently affiliated with the licensee; or

(b) when the acquirer is currently licensed with the office under Chapter 516, F.S.

(5) If the requirement to file a new application for a change in controlling interest is waived pursuant to subsection 4 of this rule, the licensee must file an amendment as prescribed in subsection (2) of this rule to report the change in controlling interest.

(6) Form OFR-516-01 is incorporated by reference in subsection 69V-160.030(1), F.A.C.

Specific Authority 516.05(4), 516.05(5), 516.23(3) FS, Law Implemented 516.01, 516.02(1), 516.05(4), 516.05(5) FS. History—New _____.

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-2.0010 Educational Facilities

PURPOSE AND EFFECT: This rule is amended to incorporate the 2007 State Requirements for Educational Facilities and to remove at the Joint Administrative Procedures Committee’s request, other codes and specifications from the rule. The removal of the codes and specifications do not affect educational facilities as they are still enforceable by law.

SUMMARY: This rule is amended to adopt the 2007 State Requirements for Educational Facilities.

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: Section 1(a) Article IX, State Constitution; 1001.02(1), 1013.02(2), 1013.37 FS.

LAW IMPLEMENTED: 1(a) Article IX, State Constitution; 50.011, 50.021, 50.031, 50.041, 50.051, 50.061, 50.071, 1001.02, 1001.42(9), 1001.453, 1011.09, 1011.74, 1031.01, 1013.03, 1013.31, 1013.35, 1013.37, 1013.371, 1013.60, 1013.61, 1013.64, 1013.735, 1013.736, 1013.737 FS.

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

DATE AND TIME: April 17, 2007, 8:30 a.m.

PLACE: Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Spessard Boatright, Director, Office of Educational Facilities, Department of Education, 325 West Gaines Street, Suite 1054, Tallahassee, Florida 32399-0400, (850)245-0494

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-2.0010 Educational Facilities.
~~State Board of Education Commissioner of Education requirements adopted pursuant to Chapter 120, Florida Statutes, to implement the State Uniform Building Code for Public Educational Facilities Construction in Chapter 1013, Florida Statutes, are contained in Section 423 of the Florida Building Code and the Department of Education publications titled “State Requirements for Educational Facilities, 2007,” 1999 Volume I—Process,” “2005 Addendum to State Requirements for Educational Facilities Volume 1,” and “2006 Addendum to State Requirements for Educational Facilities” which is are hereby incorporated by reference and made a part of this rule to become effective with the effective date of the amended rule. All educational and ancillary facilities constructed by a school board or community college board shall comply with “State Requirements for Educational Facilities, 2007, 1999 Volume I—Process,” “2005 Addendum to State Requirements for Educational Facilities, Volume I,” and “2006 Addendum to State Requirements for Educational Facilities,” the Florida Building Code (FBC), including Section 423, and the Florida Fire Prevention Code (FFPC). The FBC shall supersede any other code adopted by a board, or any other building code or ordinance, for the construction of educational and ancillary facilities and plants whether at the local, county, or state level rule.~~

(1) In addition to “State Requirements for Educational Facilities, 1999 Volume I,” “2005 Addendum to State Requirements for Educational Facilities, Volume I,” and “2006 Addendum to State Requirements for Educational Facilities” all, or the specific portions cited, of the following building codes are hereby incorporated by reference and made a part of this rule. If there should be conflicting requirements between these codes and “State Requirements for Educational Facilities, 1999 Volume I,” “2005 Addendum to State Requirements for

Educational Facilities, Volume I,” “2006 Addendum to State Requirements for Educational Facilities” the more, or most stringent requirement shall apply.

(a) ~~AHERA. Asbestos Hazard Emergency Response Act, 40 CFR, Part 763, as revised July 1, 1995.~~

(b) ~~AISC. American Institute of Steel Construction Allowable Stress Design (Manual of Steel Construction), as adopted by the Florida Building Commission in Rule 9B-3.047, F.A.C.~~

(c) ~~ANSI. American National Standards Institute. References to ANSI standards as adopted by the Florida Building Commission in Chapter 35 of the Florida Building Code.~~

(d) ~~ASHRAE. American Society of Heating, Refrigeration, and Air Conditioning Engineers.~~

(e) ~~ASTM. American Society for Testing Materials. References to ASTM standards shall be the edition as adopted by the Florida Building Commission in Chapter 35 of the Florida Building Code.~~

(f) ~~DOT AASHTO, American Association of State Highway and Transportation Officials, “Standard Specification for Highway Bridges, 17th Edition (2002)” and “Bridge Design Specifications, 3rd Edition (2004)” Sections 3.3.2, 3.14.1, 11, and 13, and Table 3.4.1-1 as modified by the Florida Department of Transportation (DOT) in “Structures Design Guidelines” Jan. Jul., January 2006 Revision (Topic Number 625-020-150-e) and DOT “Drainage Manual” Chapter 4, as required by the structure type and as incorporated by reference in subsection 14-15.002(2), F.A.C.~~

(g) ~~FEMA. Federal Emergency Management Agency. Rules and Regulations 44 CFR, Parts 59 and 60, revised as of October 1, 2002, for flood plain criteria governing insurability of facilities constructed in flood plain.~~

(h) ~~Florida Building Code (FBC), as adopted by the Florida Building Commission in Rule 9B-3.047, F.A.C.~~

(i) ~~NEC. National Electrical Code, as adopted by the Florida Building Commission in Section 2701.1 of the Florida Building Code.~~

(j) ~~NFPA. National Fire Protection Association, as adopted by the Florida Fire Prevention Code in State Fire Marshal Rules 69A-60.002 through 69A-60.005, F.A.C., NFPA 101, and other NFPA codes as applicable. Exceptions are NFPA 101 Sections 14.2.2.5 “Horizontal Exits” and 14.2.2.7 “Exit Passageways” and where NFPA codes are exceeded by these State Requirements.~~

(k) ~~OSHA. Occupational Safety and Health Administration, U.S. Department of Labor, 29 CFR as Revised July 1, 2005.~~

(l) ~~Chapter 69A, F.A.C., as adopted by the Division of State Fire Marshal.~~

(m) ~~TMS. The Masonry Society Standards, 2005; TMS 402-02.~~

~~(1)(2) Copies of the publications “State Requirements for Educational Facilities, 2007” 1999 Volume I”, “2005 Addendum to State Requirements for Educational Facilities”, and “2006 Addendum to State Requirements for Educational Facilities” are available from the Office of Educational Facilities, Florida Department of Education, Room 1054, 325 West Gaines Street, Tallahassee, Florida 32399-0400, at a cost to be determined by the Commissioner, but which shall not exceed actual cost or from the Department of Education’s website at <http://www.firn.edu/doe/edfacil> in pdf format. Copies of the codes listed in subsection (1) of this rule are available from the publisher whose location and address are available from the Office of Educational Facilities. These listed codes are readily available to the public upon request at the cost established by the publisher.~~

~~(3) All documents incorporated by reference in this rule are effective as they read on the date of the effective date of this rule.~~

Specific Authority Section 1(a) Article IX, State Constitution; 1001.02(1), 1013.02(2), 1013.37 FS. Law Implemented 1(a) Article IX, State Constitution; 50.011, 50.021, 50.031, 50.041, 50.051, 50.061, 50.071, 1001.02, 1001.42(9), 1001.453, 1011.09, 1011.74, 1031.01, 1013.03, 1013.31, 1013.35, 1013.37, 1013.371, 1013.60, 1013.61, 1013.64, 1013.735, 1013.736, 1013.737 FS. History—New 10-30-94, Amended 4-28-97, Formerly 6A-2.0111, Amended 1-5-00, Formerly 6-2.001, Amended 8-22-05, 7-2-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Spessard Boatright, Director, Office of Educational Facilities

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Champion, Deputy Commissioner for Finance and Operations

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 6, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.0021
 RULE TITLE: Florida Teacher Certification Examinations

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to adopt changes to selected subject area competencies and skills. These changes are incorporated by reference through the adoption of the document, Competencies and Skills Required for Teacher Certification in Florida, Twelfth Edition. In addition, the rule specifies the effective date for implementation of the new competencies and skills.

The effect of these changes is that the updated competencies and skills for the subject area examinations will be available to examination candidates and the examinations will be updated to include these competencies and skills.

SUMMARY: References and the effective date are changed for the new edition of the Competencies and Skills Required for Teacher Certification in Florida, Twelfth Edition. Changes to competencies and skills for subject area content examinations are implemented with the specified date.

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: 1012.56(8) FS.

LAW IMPLEMENTED: 1012.56(8) FS.

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

DATE AND TIME: 9:00 a.m., April 17, 2007

PLACE: 325 West Gaines Street, Suite 1514, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Cornelia Orr, Administrator, Assessment and School Performance, 325 W. Gaines Street, Suite 414, Tallahassee, Florida 32399, (850)245-0513

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0021 Florida Teacher Certification Examinations.

(1) Scope. This rule governs the written examinations for teacher certification. Additional requirements for certification are specified in Chapter 6A-4, F.A.C.

(2) Description of the examinations and competencies to be demonstrated.

(a) The Florida Teacher Certification Examinations shall be developed by the Commissioner of Education.

(b) The written examinations shall include subtests of reading, writing, mathematics, professional skills, and subject area specialty. These examinations may contain multiple choice questions and questions requiring the examinee to write an answer or demonstrate a proficiency.

(c) The following competencies are to be demonstrated by means of the written examinations:

1. Before July 21, 2007, the general knowledge competencies and skills as contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Eleventh Edition." Beginning with the July 21, 2007 ~~2006~~ test administration, the general knowledge competencies and skills as contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Twelfth Eleventh Edition." Copies of these publications may be obtained from Florida Teacher Examinations, Department of Education, 325 West Gaines

Street, Tallahassee, Florida 32399, at a price to be established by the Commissioner not to exceed actual cost.

2. Before July 21, 2007 ~~October 21, 2006~~, the professional education test competencies and skills contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Eleventh Tenth Edition" which is hereby incorporated by reference and made a part of this rule. Beginning July 21, 2007 ~~October 21, 2006~~, the professional education test competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Twelfth Eleventh Edition" which is hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained as described in subparagraph (2)(c)1. of this rule from Florida Teacher Examinations, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399 at a price to be established by the Commissioner not to exceed actual cost, and

3. Before July 21, 2007 ~~22, 2006~~, the subject area competencies and skills contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Eleventh Tenth Edition" which is hereby incorporated by reference and made a part of this rule. Beginning July 21, 2007 ~~22, 2006~~, the subject area competencies and skills, ~~with the exception of Elementary Education K-6, Prekindergarten/Primary PK-3, and Reading K-12,~~ contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Twelfth Eleventh Edition" which is hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained as described in subparagraph (2)(c)1.2. of this rule.

~~4. Before October 21, 2006, the subject area competencies and skills for Elementary Education K-6, Prekindergarten/Primary PK-3, and Reading K-12, contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Tenth Edition" which is hereby incorporated by reference and made a part of this rule. Beginning October 21, 2006, the subject area competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Eleventh Edition" which is hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained as described in subparagraph (2)(c)2. of this rule.~~

(d) through (15) No change.

Specific Authority 1012.55(1), 1012.56, 1012.59 FS. Law Implemented 1012.56 FS. History—New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99, 7-17-00, 7-16-01, 3-24-02, 7-16-02, 3-24-03, 7-21-03, 12-23-03, 7-13-04, 5-24-05, 5-23-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Cornelia Orr
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jay Pfeiffer
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 10, 2006

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-20.019
 RULE TITLE: Children and Spouses of Deceased or Disabled Veterans or Children of Servicemen Classified as Prisoners of War or Missing in Action Scholarships

PURPOSE AND EFFECT: The purpose of the rule amendment is to include spouses of deceased or disabled veterans as eligible for scholarships. The effect is a rule which is expanded pursuant to Section 295.01, Florida Statutes, to include spouses.

SUMMARY: Section 295.01, Florida Statutes, was amended to expand eligibility for scholarships through the Children of Deceased or Disabled Veterans or Children of Servicemen Classified as Prisoners of War or Missing in Action Scholarships program to include spouses. The rule is amended to reflect this change.

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: 1001.02(1), 295.01(3), 295.02 FS.

LAW IMPLEMENTED: 1009.5385, 1009.42, 295.01, 295.015, 295.016, 295.017, 295.018, 295.019, 295.0195, 295.02, 295.03, 295.04, 295.05 FS.

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

DATE AND TIME: April 17, 2007, 8:30 a.m.
 PLACE: Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Theresa Antworth, Director, State Scholarships and Grants, Department of Education, Office of Student Financial Assistance, 1940 N. Monroe Street, Suite 70, Tallahassee, Florida 32399-0400, (850)410-5185

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-20.019 Children and Spouses of Deceased or Disabled Veterans or Children of Servicemen Classified as Prisoners of War or Missing in Action Scholarships.

(1) Eligibility criteria for awards. To receive aid, a student shall meet the provisions of Sections 1009.40, 1009.42, 295.01, 295.02, 295.03, 295.04, and 295.05, Florida Statutes, and Section 295.015, or 295.016, or 295.017, or 295.018, or 295.019, or 295.0195, Florida Statutes, and Rule 6A-20.001 and 6A-20.0371, F.A.C., and:

(a) Submit, for each academic year on or before April 1, Form FFAA-1, Florida Financial Aid for Students, as incorporated by reference in Rule 6A-20.020, FAC., and Form CDDV-1, Scholarships for Children and Spouses of Deceased or Disabled Veterans or Children of Servicemen Classified as Prisoners of War or Missing in Action Certification Form. Form CDDV-1 is hereby incorporated by reference and made a part of this rule to become effective October 2002. A copy of Forms FFAA-1 and CDDV-1 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(6) Amount of award. The maximum amount of a scholarship shall be the amount of tuition and registration fees assessed the student at the end of regular registration, inclusive of the drop-add period. However, the amount of the scholarship in combination with other student aid shall not exceed the student's cost of education. A student who receives a Children and Spouses of Deceased or Disabled Veterans Scholarship, who is enrolled in nonpublic postsecondary institution, and who is assessed tuition and fees that are the same as those of a full-time student at that institution, shall receive a fixed award calculated by using the average matriculation and fee calculation for full-time attendance at a public postsecondary education institution at the comparable level. A student enrolled part-time shall receive a reduced award by either one-half or three-fourths of the maximum award, depending on the level or fees assessed.

Specific Authority 1001.02(1), 295.01(3), 295.02 FS. Law Implemented 1009.5385, 1009.42, 295.01, 295.015, 295.016, 295.017, 295.018, 295.019, 295.0195, 295.02, 295.03, 295.04, 295.05 FS. History—New 12-28-86, Amended 3-22-89, 5-16-90, 3-24-92, 10-18-94, 11-3-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Theresa Antworth, Director, State Scholarships and Grants
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Champion, Deputy Commissioner for Finance and Operations
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 5, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2007

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-3.2085
RULE TITLE: Department and Services

PURPOSE AND EFFECT: The Agency proposes to amend Rule 59A-3.2085, Florida Administrative Code, consistent with provisions of Section 408.0361, Florida Statutes. This section includes standards for adult diagnostic cardiac catheterization services in hospitals, and provides for adoption of rules to establish a licensure process for adult interventional cardiology programs in Florida hospitals and to adopt standards for those programs.

SUMMARY: The proposed amendments to this rule establish standards for adult diagnostic cardiac catheterization services in hospitals and criteria for licensure of interventional cardiology programs in Florida hospitals.

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: 408.0361(1) FS.

LAW IMPLEMENTED: 408.0361 FS.

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

DATE AND TIME: April 10, 2007, 1:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, FL 32308

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: Jeffrey N. Gregg, Chief, Bureau of Health Facility Regulation, (850)922-0791. 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: Jeffrey N. Gregg, Chief, Bureau of Health Facility Regulation, (850)922-0791

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-3.2085 Department and Services.

(1) through (12) No change.

(13) Adult ~~Inpatient~~ Diagnostic Cardiac Catheterization Program. All licensed hospitals that establish adult diagnostic cardiac catheterization laboratory services under Section 408.0361, F.S., shall operate in compliance with the most recently published guidelines of the American College of Cardiology/American Heart Association regarding the operation of diagnostic cardiac catheterization laboratories. The applicable guideline, herein incorporated by reference, is the American College of Cardiology/Society for Cardiac Angiography and Interventions Clinical Expert Consensus Document on Cardiac Catheterization Laboratory Standards: Bashore et al. ACC/SCA&I Clinical Expert Consensus Document on Catheterization Laboratory Standards, JACC Vol. 37, No. 8, June 2001: 2170-214. Aspects of the guideline related to pediatric services or outpatient cardiac catheterization in freestanding non-hospital settings are not applicable to this rule. All licensed hospitals that establish an Adult Inpatient Diagnostic Cardiac Catheterization Program after July 1, 1997 pursuant to an exemption granted under Section 408.036(3)(n), F.S., shall comply with the provisions of the ACC/AHA Guidelines for Cardiac Catheterization and Cardiac Catheterization Laboratories JACC Volume 18, Number 5 of November 1, 1991, which establish the standards for Cardiac Catheterization and Cardiac Catheterization Laboratories, and which is hereby incorporated by reference, except as modified herein.

All such ~~exempted~~ licensed hospitals shall have a department, service or other similarly titled unit which shall be organized, directed and staffed, and integrated with other units and departments of the hospitals in a manner designed to assure the provision of quality patient care.

(a) Definitions. The following definitions shall apply specifically to all adult ~~inpatient~~ diagnostic cardiac catheterization programs, as described in this subsection 59A-3.2085(13), F.A.C.:

~~1.3.~~ "Diagnostic Cardiac Catheterization" means a procedure requiring the passage of a catheter into one or more cardiac chambers of the left and right heart, with or without coronary arteriograms, for the purpose of diagnosing congenital or acquired cardiovascular diseases, or for determining measurement of blood pressure flow; and also includes the selective catheterization of the coronary ostia with injection of contrast medium into the coronary arteries.

~~1.~~ "ACC/AHA" means the American College of Cardiology/American Heart Association.

~~2.~~ "JACC" means the Journal of the American College of Cardiology.

~~2.4.~~ "Adult ~~Inpatient~~" means a person ~~fifteen~~ eighteen years of age or older ~~who has been admitted for bed occupancy for the purposes of receiving inpatient hospital services.~~

5. ~~“Annual Program Volume” means the total number of inpatient and outpatient admissions to the adult cardiac catheterization program, for the purpose of diagnostic cardiac catheterization, for a 12 month period. A single admission is equivalent to one patient visit to the cardiac catheterization program. Each patient visit shall be counted in determining the actual program volume regardless of whether the patient is an inpatient or outpatient at the hospital performing the procedure, or has been admitted as an inpatient or outpatient at another facility.~~

~~3.(b) Therapeutic Procedures. An adult diagnostic cardiac catheterization program established pursuant to an exemption granted under Section 408.0361 408.036(3)(n), F.S., shall not provide therapeutic services, such as balloon angioplasty percutaneous coronary intervention or stent insertion, intended to treat an identified condition or the administering of intra-coronary drugs, such as thrombolytic agents.~~

~~4.(e) Diagnostic Procedures. Procedures performed in the adult diagnostic cardiac catheterization laboratory shall include, for example, the following:~~

- ~~a.1. Left heart catheterization with coronary angiography and left ventriculography~~
- ~~b.2. Right heart catheterization~~
- ~~c.3. Hemodynamic monitoring line insertion~~
- ~~d.4. Aortogram~~
- ~~e.5. Emergency temporary pacemaker insertion~~
- ~~f.6. Transesophageal electric pacing~~
- ~~g.7. Myocardial biopsy~~
- ~~h.8. Trans-septal procedures~~
- ~~i.9. Intra-coronary ultrasound (CVIS)~~
- ~~j.10. Fluoroscopy~~
- ~~k.11. Hemodynamic stress testing~~

~~(d) Annual Program Volume. The minimum program volume for an adult diagnostic cardiac catheterization service shall be either 300 admissions during the 12-month period commencing 18 months after a program becomes operational, or 150 admissions by at least one physician who performed diagnostic cardiac catheterizations during that period, with a second physician with at least 100 admissions for adult diagnostic cardiac catheterization during the same period. The program volume standard shall be met during each subsequent 12-month period. An annual report of compliance with this requirement shall be forwarded to the Agency’s Certificate of Need Office.~~

~~(b)(e) Support Equipment. A crash cart containing the necessary medication and equipment for ventilatory support shall be located in each cardiac catheterization procedure room. A listing of all crash cart contents shall be readily available. At the beginning of each shift, the crash cart shall be checked for intact lock; the defibrillator and corresponding equipment shall be checked for function and operational capacity. A log shall be maintained indicating review.~~

(c) Radiographic Cardiac Imaging Systems. A quality improvement program for radiographic imaging systems shall include measures of image quality, dynamic range and modulation transfer function. Documentation indicating the manner in which this requirement will be met shall be available for the Agency’s review.

(d)(f) Physical Plant Requirements. Section 419.2.1.2, Florida Building Code, subsection 59A 3.081(53), F.A.C., contains the physical plant requirements for the adult diagnostic inpatient cardiac catheterization program.

(e)(g) Personnel Requirements. There shall be an adequate number of trained personnel available. At a minimum, a team involved in cardiac catheterization shall consist of a physician, one registered nurse, and one technician.

(f) Quality Improvement Program. A quality improvement program for the adult diagnostic cardiac catheterization program laboratory shall include an assessment of proficiency in coronary interventions, as described in the American College of Cardiology/American Heart Association Guidelines. Essential data elements for the quality improvement program include the individual physician procedural volume and major complication rate; the institutional procedural complication rate; relevant clinical and demographic information about patients; verification of data accuracy; procedures for patient, physician and staff confidentiality; a comparison of outcomes with benchmark data and the ability to risk-stratify patients. Documentation indicating the manner in which this requirement will be met shall be available for the Agency’s review.

(g)(h) Emergency Services. Cardiac catheterization programs in a hospital not performing open heart surgery shall have a written protocol for the transfer of emergency patients to a hospital providing open heart surgery, which is within thirty minutes travel time by emergency vehicle under average travel conditions.

1. All providers of adult diagnostic cardiac catheterization program services in a hospital not licensed as a Level II adult interventional cardiology provider shall have written transfer agreements developed specifically for diagnostic cardiac catheterization patients with one or more hospitals that operate a Level II adult interventional cardiology services program. Written agreements must be in place to ensure safe and efficient emergency transfer of a patient within 60 minutes. Transfer time is defined as the number of minutes between the acceptance of the patient by the physician in the receiving hospital and the patient’s arrival at the receiving hospital. Transfer and transport agreements must be reviewed and tested at least every 3 months, with appropriate documentation maintained. Each program shall be capable of providing immediate endocardial catheter pacemaking in case of cardiac arrest and pressure recording for monitoring and evaluating

valvular disease, or heart failure. Documentation indicating the manner in which this requirement will be met shall be available for the Agency's review.

2. Patients at high risk for diagnostic catheterization complications shall be referred for diagnostic catheterization services to hospitals licensed as a Level II adult interventional cardiology services provider. For example, patients actively infarcting should be defined as high risk and be immediately transported to a hospital where on-site open heart surgery is available. Hospitals not licensed as a Level II adult interventional cardiology services provider must have documented patient selection and exclusion criteria and provision for identification of emergency situations requiring transfer to a hospital with a Level II adult interventional cardiology services program. Documentation indicating the manner in which this requirement will be met shall be available for the Agency's review.

3. Each adult diagnostic cardiac catheterization program shall have the capability of rapid mobilization of its team 24 hours a day, 7 days a week. Documentation indicating the manner in which this requirement will be met shall be available for the Agency's review.

(h) Policy and Procedure Manual for Medicaid and Charity Care.

1. Each provider of adult diagnostic cardiac catheterization services shall maintain a policy and procedure manual, available for review by the Agency, which documents a plan to provide services to Medicaid and charity care patients.

2. At a minimum, the policy and procedure manual shall document specific outreach programs directed at Medicaid and charity care patients for adult diagnostic cardiac catheterization services.

(i) Each diagnostic catheterization program shall provide a minimum of 2 percent of its admissions to charity and Medicaid patients each year. An annual report of compliance with this requirement shall be forwarded to the Agency's Certificate of Need Office.

(i) Enforcement. Enforcement of these rules shall follow procedures established in Rule 59A-3.253, F.A.C.

(16) Level I Adult Interventional Cardiology Services.

(a) Licensure.

1. A hospital seeking a license for a Level I adult interventional cardiology services program shall submit a request to the Agency, signed by the chief executive officer of the hospital, attesting that, for the most recent 12-month period, the hospital has provided a minimum of 300 adult inpatient and outpatient diagnostic cardiac catheterizations or, for the most recent 12-month period, has discharged or transferred at least 300 inpatients with the principal diagnosis of ischemic heart disease (defined by ICD-9-CM codes 410.0 through 414.9).

2. The request shall attest to the hospital's intent and ability to comply with applicable ACC/AHA guidelines including guidelines for staffing, physician training and experience, operating procedures, equipment, physical plant and patient selection criteria.

3. The request shall attest to the hospital's intent and ability to comply with physical plant requirements regarding cardiac catheterization laboratories and operating rooms found Section 419.2.1.2, Florida Building Code.

4. The request shall also include copies of one or more written transfer agreements with hospitals that operate a Level II adult interventional cardiology services program, including written transport protocols to ensure safe and efficient transfer of an emergency patient within 60 minutes. Transfer time is defined as the number of minutes between the acceptance of the patient by the physician in the receiving hospital and the patient's arrival at the receiving hospital.

5. All providers of Level I adult interventional cardiology services programs shall operate in compliance with subsection 59A-3.2085(13), F.A.C., and the most recently published guidelines of the American College of Cardiology/American Heart Association regarding the operation of adult diagnostic cardiac catheterization laboratories and the provision of percutaneous coronary intervention (PCI).

6. The applicable guidelines, herein incorporated by reference, are the *American College of Cardiology/Society for Cardiac Angiography and Interventions Clinical Expert Consensus Document on Cardiac Catheterization Laboratory Standards; Bashore et al, ACC/SCA&I Clinical Expert Consensus Document on Catheterization Laboratory Standards, JACC Vol. 37, No. 8, June 2001: 2170-214.* *ACC/AHA/SCAI 2005 Guideline Update for Percutaneous Coronary Intervention A Report of the American College of Cardiology/American Heart Association Task Force on Practice Guidelines (ACC/AHA/SCAI Writing Committee to Update the 2001 Guidelines for Percutaneous Coronary Intervention).*

7. Notwithstanding ACC/AHA guidelines to the contrary, all providers of Level I adult interventional cardiology services programs may provide elective PCI procedures. Aspects of the guidelines related to pediatric services or outpatient cardiac catheterization in freestanding non-hospital settings are not applicable to this rule.

8. Hospitals with Level I adult interventional cardiology services programs must renew their licenses at the time of the hospital licensure renewal, providing the information in 2. through 5. above. Failure to renew the hospital's license and/or the information in 2. through 5. above shall cause the license to expire.

(b) Staffing.

1. Each cardiologist shall be an experienced physician who has performed a minimum of 75 interventional cardiology procedures, exclusive of fellowship training and within the previous 12 months from the date of the exemption application.

2. Physicians with less than 12 months experience shall fulfill applicable ACC/AHA training requirements (reference ACC/AHA/SCAI 2005 Guideline Update for Percutaneous Coronary Intervention) prior to being allowed to perform emergency PCIs in a hospital that is not licensed for a Level II adult interventional cardiology services program.

3. The nursing and technical catheterization laboratory staff shall be experienced in handling acutely ill patients requiring intervention or balloon pump, based on previous experience in dedicated cardiac interventional laboratories at a hospital with a Level II adult interventional cardiology services program. They shall be skilled in all aspects of interventional cardiology equipment, and must participate in a 24-hour-per-day, 365 day-per-year call schedule.

4. A member of the cardiac care nursing staff who is adept in hemodynamic monitoring and Intra-aortic Balloon Pump (IABP) management shall be in the hospital at all times.

(c) Emergency Services.

1. A hospital provider of Level I adult interventional cardiology services program must ensure it has systems in place for the emergent transfer of patients with intra-aortic balloon pump (IABP) support to one or more hospitals licensed to operate a Level II adult interventional cardiology services program. Formalized written transfer agreements developed specifically for emergency PCI patients must be developed with a hospital that operates a Level II adult interventional cardiology program. Written transport protocols must be in place to ensure safe and efficient transfer of a patient within 60 minutes. Transfer time is defined as the number of minutes between the acceptance of the patient by the physician in the receiving hospital and the patient's arrival at the receiving hospital. Transfer and transport agreements must be reviewed and tested at least every 3 months, with appropriate documentation maintained.

(d) Policy and Procedure Manual for Medicaid and Charity Care.

1. Each provider of Level I adult interventional cardiology services shall maintain a policy and procedure manual, available for review by the Agency, which documents a plan to provide services to Medicaid and charity care patients.

2. At a minimum, the policy and procedure manual shall document specific outreach programs directed at Medicaid and charity care patients for Level I adult interventional cardiology services.

(e) Physical Plant Requirements.

Section 419.2.1.2, Florida Building Code, contains the physical plant requirements for adult cardiac catheterization laboratories operated by a licensed hospital.

(f) Enforcement.

1. Enforcement of these rules shall follow procedures established in Rule 59A-3.253, F.A.C.

2. The Agency shall use outcomes published on the "Florida Compare Care" website to establish priorities for appraisal visits of licensed Level I adult interventional cardiology providers. Providers with higher than expected risk-adjusted mortality rates on measures including "acute myocardial infarction mortality rate" and "acute myocardial infarction mortality rate, without transfer cases" will receive an appraisal visit by the Agency to review the operation of the Level I adult interventional cardiology services program.

3. Level I adult interventional cardiology services programs that fail to meet outcome standards or other provisions of this rule shall be given 15 days to develop a plan of correction that must be accepted by the Agency.

4. Failure of the hospital with a Level I adult interventional cardiology services program to make improvements specified in the plan of correction shall result in the revocation of the program license. The hospital may offer evidence of mitigation and such evidence could result in a lesser sanction.

(17) Level II Adult Interventional Cardiology Services.

(a) Licensure.

1. A hospital seeking a license for a Level II adult interventional cardiology services program shall submit a request to the Agency, signed by the chief executive officer of the hospital, attesting that, for the most recent 12-month period, the hospital has provided a minimum of a minimum of 1,100 adult inpatient and outpatient cardiac catheterizations, of which at least 400 must be therapeutic cardiac catheterizations, or, for the most recent 12-month period, has discharged at least 800 patients with the principal diagnosis of ischemic heart disease (defined by ICD-9-CM codes 410.0 through 414.9).

2. The request shall attest to the hospital's intent and ability to comply with applicable ACC/AHA guidelines including guidelines for staffing, physician training and experience, operating procedures, equipment and physical plant.

3. The request shall attest to the hospital's intent and ability to comply with physical plant requirements regarding cardiac catheterization laboratories and operating rooms found Section 419.2.1.2, Florida Building Code.

4. All providers of Level II adult interventional cardiology services programs shall operate in compliance with subsections 59A-3.2085(13) and 59A.2085(16), F.A.C. and the most recently published guidelines of the American College of Cardiology/American Heart Association regarding the operation of diagnostic cardiac catheterization laboratories, the provision of percutaneous coronary intervention (PCI) and the provision of coronary artery bypass graft surgery.

a. The applicable guidelines, herein incorporated by reference, are the American College of Cardiology/Society for Cardiac Angiography and Interventions Clinical Expert Consensus Document on Cardiac Catheterization Laboratory Standards: Bashore et al, ACC/SCA&I Clinical Expert Consensus Document on Catheterization Laboratory Standards, JACC Vol. 37, No. 8, June 2001: 2170-214; and

b. ACC/AHA/SCAI 2005 Guideline Update for Percutaneous Coronary Intervention A Report of the American College of Cardiology/American Heart Association TaskForce on Practice Guidelines (ACC/AHA/SCAI Writing Committee to Update the 2001 Guidelines for Percutaneous Coronary Intervention); and

c. ACC/AHA 2004 Guideline Update for Coronary Artery Bypass Graft Surgery: A Report of the American College of Cardiology/American Heart Association Task Force on Practice Guidelines (Committee to Update the 1999 Guidelines for Coronary Artery Bypass Graft Surgery) Developed in Collaboration With the American Association for Thoracic Surgery and the Society of Thoracic Surgeons.

d. Aspects of the guideline related to pediatric services or outpatient cardiac catheterization in freestanding non-hospital settings are not applicable to this rule.

5. Hospitals with Level II adult interventional cardiology services programs must renew their licenses at the time of the hospital licensure renewal, providing the information in 2. through 4. above. Failure to renew the hospital's license and/or the information in 1. through 4. above shall cause the license to expire.

(b) Staffing.

1. Each cardiologist shall be an experienced physician who has performed a minimum of 75 interventional cardiology procedures, exclusive of fellowship training and within the previous 12 months from the date of the exemption application.

2. The nursing and technical catheterization laboratory staff shall be experienced in handling acutely ill patients requiring intervention or balloon pump, based on previous experience in dedicated cardiac interventional laboratories at a hospital with a Level II adult interventional cardiology services program. They shall be skilled in all aspects of interventional cardiology equipment, and must participate in a 24-hour-per-day, 365 day-per-year call schedule.

3. A member of the cardiac care nursing staff who is adept in hemodynamic monitoring and Intra-aortic Balloon Pump (IABP) management shall be in the hospital at all times.

(c) Policy and Procedure Manual for Medicaid and Charity Care.

1. Each provider of adult Level II adult interventional cardiology services shall maintain a policy and procedure manual, available for review by the agency, which documents a plan to provide services to Medicaid and charity care patients.

2. At a minimum, the policy and procedure manual shall document specific outreach programs directed at Medicaid and charity care patients for Level II adult interventional cardiology services.

(d) Physical Plant Requirements.

Section 419.2.1.2, Florida Building Code, contains the physical plant requirements for adult cardiac catheterization laboratories and operating rooms for cardiac surgery operated by a licensed hospital.

(e) Enforcement.

1. Enforcement of these rules shall follow procedures established in Rule 59A-3.253, F.A.C.

2. The Agency shall use outcomes published on the "Florida Compare Care" website to establish priorities for appraisal visits of licensed Level II adult interventional cardiology providers. Providers with higher than expected risk-adjusted mortality rates on measures including "acute myocardial infarction mortality rate" and "acute myocardial infarction mortality rate, without transfer cases" and "coronary artery bypass graft mortality rate" will receive an appraisal visit by the Agency to review the operation of the Level II adult interventional cardiology services program.

3. Level II adult interventional cardiology services programs that fail to meet outcome standards or other provisions of this rule shall be given 15 days to develop a plan of correction that must be accepted by the Agency.

4. Failure of the hospital with a Level II adult interventional cardiology services program to make improvements specified in the plan of correction shall result in the revocation of the program license. The hospital may offer evidence of mitigation and such evidence could result in a lesser sanction.

Specific Authority 395.1055, 395.3038, 395.401, 408.036, 408.0361(1) FS. Law Implemented 395.001, 395.1055, 395.1065, 395.3038, 395.401, 408.036, 408.0361, 957.05 FS. History—New 4-17-97, Amended 3-29-98, 8-23-99, 3-23-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Jeffrey N. Gregg, Chief, Bureau of Health Facility Regulation
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Deputy Secretary, Health Quality Assurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2007

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NO.: 61B-79.001
RULE TITLE: Developer, Filing

PURPOSE AND EFFECT: This rule amendment creates the Notice of Cooperative Incorporation/Recording Information form required by Section 719.1035(1), Florida Statutes. The developer, upon creation of a cooperative, is required to file recording information for the cooperative with the division prior to the conveyance of the cooperative property.

SUMMARY: This rule amendment addresses the filing of cooperative creation and recording information with the division.

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: 719.1035(1), 719.501(1)(f) FS.

LAW IMPLEMENTED: 719.1035(1), 719.403(7), 719.502, 719.503, 719.504 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: April 9, 2007, 10:00 a.m.
PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 North Monroe 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 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. 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: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-79.001 Developer, Filing.
(1) through (5) No change.

(6)(a) Upon recording the cooperative documents as defined in Section 719.1035(1), Florida Statutes, or recording amendments adding phases as defined in Section 719.403(7),

Florida Statutes, the developer or the association shall file the incorporation and recording information with the division within 30 working days on DBPR Form CP 6000-2, NOTICE OF COOPERATIVE INCORPORATION/RECORDING INFORMATION, incorporated in this rule and effective _____ . You may request a copy of the form, as well as all forms referenced in these rules, by sending a written request to the Division of Florida Land Sales, Condominiums, and Mobile Homes at the Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1033.

(b)1. If you, the developer or the association, have not already filed and the division has not reviewed and approved the recorded documents under subsection (2) of this rule and Sections 719.502, 719.503 and 719.504, Florida Statutes, prior to recording, then you shall submit a complete copy of the recorded documents with DBPR Form CP 6000-2, NOTICE OF COOPERATIVE INCORPORATION/RECORDING INFORMATION; or

2. If the division has already reviewed and approved the recorded documents, then you, the developer or the association, shall only file the form.

Specific Authority 719.1035(1), 719.501(1)(f) FS. Law Implemented 719.1035(1), 719.403(7), 719.502, 719.503, 719.504 FS. History--New 1-8-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Cochran, Director, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2007

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-16.009
RULE TITLE: Examination and Reexamination

PURPOSE AND EFFECT: The Board proposes a rule amendment for review of the contractor category list and the modification for consistency within the rule.

SUMMARY: The Board proposed a rule amendment to add an area of competency for the contractor's examination and address the requirements for reexamination.

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: 489.219(1), 489.108, 489.129(2) FS.

LAW IMPLEMENTED: 455.217, 489.109, 489.11 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-16.009 Examination and Reexamination.

(1)(a) The general areas of competency to be covered by the examination for general, building, residential, sheet metal, roofing, class A and B air conditioning, mechanical, commercial pool/spa, residential pool/spa, swimming pool/spa servicing, plumbing, underground utility and excavation, specialty structure, solar, pollutant storage, gypsum drywall, glass and glazing, and gas line contractors, and the relative weight to be assigned in grading each area tested shall be as specified in Rule 61G4-16.001, F.A.C.

(b) Reexamination.

1. A candidate who:

a. Fails to achieve a passing score on any of the tests referenced to in Rule 61G4-16.001, F.A.C., above; or

b. Fails to appear for a scheduled test shall be required to pay the reexamination fee as set forth in paragraph (3)(c) below.

2. A candidate shall be required to retake only the tests on which he or she failed to achieve a passing score or failed to appear to take when scheduled. However, a candidate must pass all tests within ~~two years three hundred sixty five (365) days~~ of the first attempt; after which time all past test scores of the candidate shall be considered invalid and he or she shall be required to take all parts of the test as specified in Rule 61G4-16.001, F.A.C. A candidate may take any specific part of the test no more than six times in the two year period.

3. A candidate who fails to achieve a passing score on the examination in whole or in part ~~on his or her first or second attempt~~ may submit an application to retake the certification examination to the examination vendor no less than thirty (30) days prior to the administration of the examination the candidate wishes to take provided he or she pays all appropriate fees as set forth in subsection (3) below.

(2) through (4) No change.

Specific Authority 455.217(2), 455.219(1), 489.108, 489.129(2) FS. Law Implemented 455.217, 489.109, 489.111 FS. History—New 2-25-93, Formerly 21E-16.009, Amended 10-17-93, 7-20-94, 11-25-97, 9-15-99, 4-26-00, 10-24-00, 2-6-03, 1-10-05, 11-3-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 2, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-24.005 RULE TITLE: Salon License Fee

PURPOSE AND EFFECT: To address fees.

SUMMARY: Raises the salon license application fee to \$50.00.

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: 477.026, 477.026 FS.

LAW IMPLEMENTED: 477.026(1)(c) 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe, Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-24.005 Salon License Fee.

The salon license fee shall be fifty dollars (\$50.00). In addition, a non-refundable application fee of ~~fifty forty five~~ dollars ~~(\$50.00) (\$45.00)~~ shall be submitted with the salon license application.

Specific Authority 477.016, 477.026 FS. Law Implemented 477.026(1)(c) FS. History—New 11-2-80, Amended 5-3-82, 10-1-85, Formerly 21F-24.05, 21F-24.005, Amended 12-27-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Cosmetology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 20, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: 61G10-18.006
RULE TITLE: Approval of Continuing Education Courses

PURPOSE AND EFFECT: The Board proposes to amend the rule for the approval of continuing education courses.

SUMMARY: The Board proposed a rule amendment to deny the approval of a continuing education course which constitutes a sales presentation or promotion.

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: 455.2179, 481.306, 481.325(2) FS.
LAW IMPLEMENTED: 455.2179 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-18.006 Approval of Continuing Education Courses.

(1) through (5) No change.

(6) A course which constitutes a sales presentation or promotion will be denied.

(7)(6) Approval of an instructor shall be limited by the Board to courses he/she is qualified to teach by education or experience.

(8)(7) Notice of any change in the title of a course shall be provided to the Board office thirty (30) days prior to implementation of the change.

(9)(8) Any change in the name or the qualifications of the course instructor or an increase in the number of continuing education credits to be awarded for the course must be

submitted on the form identified in subsection one (1) of this rule in time to permit review and approval or disapproval of the changed course by the Board prior to implementation of the proposed change.

(10)(9) Any portion of a course approved by the Board during the biennium in progress may be shortened by the elimination of certain content, and offered for credit equal to the time spent in the shortened presentation during the biennium with Board Approval. The provider must comply with Rule 61G10-18.006, F.A.C.

Specific Authority 455.2179, 481.306, 481.325(2) FS. Law Implemented 455.2179 FS. History--New 9-19-01, Amended 6-6-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Landscape Architecture

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE NO.: 61G16-5.004
RULE TITLE: Application Evaluations

PURPOSE AND EFFECT: The Board proposes the substantial rewrite of the rule to delete unnecessary language and to add language clarifying application evaluations.

SUMMARY: The substantial rewrite of the rule will delete unnecessary language and to add language clarifying application evaluations.

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: 492.104, 492.105 FS.

LAW IMPLEMENTED: 492.105 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 Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399-0764

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G16-5.004 follows: See Florida Administrative Code for present text.)

61G16-5.004 Application Evaluations.

(1) The determination of qualification for examination is a complex and subjective matter, therefore the Board has established the following guidelines which are generally applicable absent extraordinary evidence and documentation supporting a departure therefrom.

(2) In order to meet the prerequisites for examination for licensure as a professional geologist in Florida, an applicant is required to have graduated from a college or university with a major in geology or a related science acceptable to the Board. Each application is considered on an individual basis.

(a) A list of those related sciences previously determined to be acceptable is found in Rule 61G16-5.001, F.A.C.

(b) The applicant must also demonstrate satisfactory completion of a minimum of 30 semester hours of geological courses, 24 of those hours must be at the third or fourth year level or graduate level. A list of courses previously determined to be acceptable is found at Rule 61G16-5.002, F.A.C. No examination authorization will be granted anyone without documentation of having successfully passed these courses or their substantial equivalent. A degree in a related science without meeting these curricular requirements is insufficient to qualify one for examination for licensure.

(3) In addition, the Board has determined that an applicant is required to have at least seven (7) years of professional geological work experience.

(a) Geological experience obtained prior to meeting the educational requirements in subsection (2), above, is usually of a subprofessional nature. Such experience, if deemed acceptable and properly verified shall be awarded experience credit at 25% of the actual time spent. If the experience is obtained after the completion of 15 semester hours of geological courses, experience credit shall be awarded at up to 50% of actual time spent. In no event shall the total geological experience credit allowable prior to meeting the educational requirements in subsection (2), above, exceed 12 months.

(b) Experience must be progressive on geologic projects to indicate that it is of increasing quality and requiring greater responsibility.

(c) Two (2) years of experience are credited from the completion of the course work described in subsections (2), above, and

(d) The other five (5) years of experience should logically follow and constitute the application of the geologic education previously obtained.

(e) Experience should be gained under the supervision of a Professional Geologists, Professional Engineer qualified by education and experience to do the work being supervised, or "qualified geologists" as that term is defined in Section 492.102(5), Florida Statutes.

(f) No experience acquired while employed by and enrolled as a student in a college or university shall be counted unless it is demonstrated to the Board that the experience constituted responsible charge of geologic work. Teaching experience, to be creditable, must be in an accredited college or university and in the geological sciences.

(g) Full time: Geological work experience credit shall be granted on a month-for-month basis for those periods in which the applicant was engaged in responsible charge of geological work on a 40 hour per week, full time basis. Teaching 9 credit hours/semester, or the equivalent, of geological courses is considered full time.

(h) Part time: Periods in which the applicant was engaged in responsible charge of geological work on a part-time basis shall be credited toward the geological work experience requirements based on the percentage of full-time worked, provided the work is otherwise creditable.

Specific Authority 492.104, 492.105 FS. Law Implemented 492.105 FS. History--New 12-8-98, Amended 4-13-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Geologists
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Geologists
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 26, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-3.004
RULE TITLE: Issuance of Registration or Certification

PURPOSE AND EFFECT: To establish standards for the issuance of certification.

SUMMARY: Standards for the issuance of certification 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: 475.613(2), 475.614, 475.6171 FS.

LAW IMPLEMENTED: 475.6171 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: Thomas O'Bryant, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-3.004 Issuance of Certification.

Any applicant requesting the issuance of his or her certification shall submit an application after completing the required education and experience components and shall submit to the Board the following in order for the applicant's certification to be issued:

(1) Have completed and submitted an application for certification in the manner prescribed by Rule 61J1-3.001, F.A.C., that demonstrates compliance with qualifications for certification as specified in Section 475.615, F.S.:

(2) Provide the Board with proof of successful completion of the education component as specified in Section 475.617, F.S. and as further defined in Rule 61J1-4.001, F.A.C. The education component completed by the applicant for certification must have conformed to the AQB's education criteria in effect at the time the applicant's education component was completed. Specifically, the education component completed by the applicant for certification prior to January 1, 2008, must have conformed to the AQB's education criteria effective on January 1, 2003. Education completed on or after January 1, 2008, must comply with the AQB's education criteria in effect on January 1, 2008;

(3) Provide the Board with proof of completion of the experience component for certification as specified in Section 475.617, F.S., and as further defined in Rule 61J1-6.001, F.A.C. The experience component completed by the applicant for certification must have conformed to the AQB's experience criteria in effect at the time the applicant's experience component was completed. Specifically, the experience component must be completed by the applicant for certification prior to January 1, 2008, must have conformed to the AQB's experience criteria effective on January 1, 2003. Experience completed on or after January 1, 2008, must comply with the AQB's experience criteria in effect on January 1, 2008; and

(4) Provide the Board with proof of passing a written examination as specified in Section 475.616, F.S., and as further defined by Rule 61J1-5.001, F.A.C., if a written examination is required. Examination results are only valid for a maximum period of 24 months from the exam date.

(5) Effective January 1, 2009, the education and experience for all applicants requesting appraiser certification must conform to the AQB's education and experience criteria effective January 1, 2008.

Specific Authority 475.613(2), 475.614, 475.6171 FS. Law Implemented 475.6171 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 23, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-210.200	Definitions
62-210.300	Permits Required
62-210.310	Air General Permits
62-210.920	Registration Forms for Air General Permits

PURPOSE AND EFFECT: The proposed rule involves amendments to Chapter 62-210, F.A.C., to clarify and update rules that address requirements for bulk gasoline plants. The bulk gasoline plant permitting exemption is removed for new bulk gasoline plants. The requirements for operation under the bulk gasoline air general permit are amended to include submerged filling for existing plants, where currently required, and Stage I vapor recovery for new plants statewide. The Bulk Gasoline Plant Air General Permit Registration Form is amended to incorporate these changes. This rulemaking is being conducted in conjunction with proposed amendments to Chapters 62-252 and 62-296, F.A.C., on the subject of gasoline vapor control.

SUMMARY: The proposed rule amendments revise and update requirements for bulk gasoline plant permitting exemptions and for the use of the Bulk Gasoline Plant Air General Permit.

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: 403.061, 403.8055 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.814 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, April 11, 2007, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors Conference Room, 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 48 hours before the workshop/meeting by contacting: Ms. Lynn Scarce at (850)921-9551. 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: Ms. Terri Long at terri.long@dep.state.fl.us, phone (850)921-9556

THE FULL TEXT OF THE PROPOSED RULES IS:

62-210.200 Definitions.

The following words and phrases when used in this chapter and in Chapters 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C., shall, unless the context ~~content~~ clearly indicates otherwise, have the following meanings:

(1) through (49) No change.

(50) “Bulk Gasoline Plant” – Any gasoline storage and distribution facility ~~that which~~ receives gasoline from bulk terminals by pipeline, ship, barge, or gasoline cargo tank trailer transport, stores it in tanks, and subsequently delivers ~~dispenses~~ it to resellers, farms, businesses, service stations, or other end users, and ~~that which~~ has an average annual average daily throughput of less than 20,000 gallons (75,700 liters), ~~but more than 2000 gallons (7,570 liters) calculated on the basis of the number of calendar days that the facility receives or distributes gasoline of actual operation.~~

(51) “Bulk Gasoline Terminal” – Any gasoline storage and distribution facility ~~that which~~ receives gasoline from its supply sources primarily by pipeline, ship, ~~or~~ barge, or gasoline cargo tank and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tanker truck or trailer, and ~~that~~ has an annual average daily throughput of equal to or more than 20,000 gallons (75,700 liters) of gasoline, calculated on the basis of the number of calendar days that the facility receives or distributes gasoline of actual operation.

(52) through (149) No change.

(150) “Gasoline Cargo Tank” – A delivery tanker truck, trailer, or railcar that is loading or unloading gasoline.

~~(151)(150)~~ “Gasoline Dispensing Facility” – Any stationary facility that site where gasoline is dispensed gasoline directly into the fuel tank of a motor vehicle gasoline tanks from stationary storage tanks.

(151) through (294) renumbered (152) through (295) No change.

~~(296)(295)~~ “Submerged Filling” – The filling of a gasoline cargo tank or a stationary storage tank through an internal fill pipe whose discharge is no more than six (6) inches from the bottom of the tank. Bottom filling of gasoline cargo tanks or stationary storage tanks is included in this definition.

~~(a) Tank Trucks: Filling with a drop tube which extends within 6 inches of the bottom of the compartment or through a nozzle installed at or within 6 inches of the bottom.~~

~~(b) Service Station Underground Tanks: Filling with a drop tube or pipe which extends to within 6 inches of the tank bottom.~~

~~(c) Terminal or Bulk Plant Storage Tanks: Filling through an outlet located in accordance with API standard 650 welded steel tanks for oil storage, section 3.6.3 Shell nozzles, or otherwise located near the tank bottom to minimize splash.~~

(296) through (333) renumbered (297) through (334) No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History—Formerly 17-2.100, Amended 2-9-93, 11-28-93, Formerly 17-210.200, Amended 11-23-94, 4-18-95, 1-2-96, 3-13-96, 3-21-96, 8-15-96, 10-7-96, 10-15-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 2-19-03, 4-1-05, 7-6-05, 2-2-06, 4-1-06, 9-4-06, 9-6-06, 1-10-07, _____.

62-210.300 Permits Required.

(1) through (2) No change.

(3) No change.

(a) Categorical and Conditional Exemptions. Except as otherwise provided at subsection 62-210.300(3), F.A.C., above, the following facilities, emissions units, and pollutant-emitting activities shall be exempt from any requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C. The exemptions listed at subparagraphs 62-210.300(3)(a)23. through 36., F.A.C., are valid only if the owner or operator ensures that the conditions of exemption are met.

1. through 29. No change.

30. Bulk gasoline plants, provided:

a. The facility receives and distributes only petroleum-based lubricants, gasoline, diesel fuel, mineral spirits and kerosene;

b. The total storage capacity for gasoline at the facility does not exceed 100,000 gallons;

c. The facility shall not exceed a throughput rate (receive and distribute) of 1.3 million gallons of gasoline in any consecutive twelve (12) months; and

d. The facility is not subject to Rule 62-296.418, F.A.C. any unit specific applicable requirement; and

~~e. The facility is not subject to any volatile organic compound Reasonably Available Control Technology (RACT) requirement of Chapter 62-296, F.A.C.~~

31. through 37. No change.

(b) through (c) No change.

(4) through (7) No change.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History—Formerly 17-2.210, Amended 11-28-93, Formerly 17-210.300, Amended 11-23-94, 4-2-95, 4-18-95, 10-16-95, 1-2-96, 3-13-96, 3-21-96, 5-13-96, 8-15-96, 10-7-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 6-21-01, 7-6-05, 2-2-06, 1-10-07,_____.

62-210.310 Air General Permits.

(1) through (3) No change.

(4) Air General Permits for Facilities Claiming Conditional Exemption from Title V Air Permitting.

(a) Air General Permit for Facilities Comprising a Bulk Gasoline Plants.

1. A facility comprising a ~~one (1) or more~~ bulk gasoline plants shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C., and the following specific criteria.

a. The facility shall use no other air general permit.

b. The facility shall not be subject to any unit-specific applicable requirement other than any applicable provisions of Rule 62-296.418, F.A.C.

2. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. The facility shall receive and distribute only petroleum-based lubricants, gasoline, diesel fuel, mineral spirits and kerosene.

b. The total storage capacity for gasoline at the facility shall not exceed 150,000 gallons.

c. The facility shall not exceed a throughput rate (receive and distribute) of 6.0 million gallons of gasoline in any consecutive twelve (12) months.

d. The owner or operator shall maintain records to document the throughput rate of gasoline on a monthly basis. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.

e. The facility shall comply with all applicable provisions of Rule 62-296.418, F.A.C.

(b) through (f) No change.

(5) No change.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History—New 1-10-07, Amended_____.

62-210.920 Registration Forms for Air General Permits.

The registration forms for use of air general permits provided at Rule 62-210.310, F.A.C., are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, with the subject, title and effective date. Copies of the forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) Air General Permit Registration Forms for Facilities Claiming Conditional Exemption from Title V Air Permitting.

(a) Bulk Gasoline Plant Air General Permit Registration Form (DEP Form No. 62-210.920(1)(a), Effective _____ ~~1-10-07~~).

(b) through (f) No change.

(2) No change.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History—New 10-16-95, Amended 1-2-96, 3-21-96, 5-13-96, 8-15-96, 11-13-97, 5-25-98, 2-11-99, 6-21-01, 1-10-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Joseph Kahn

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: February 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: January 12, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:

RULE TITLES:

62-252.200

Definitions

62-252.300

Gasoline Dispensing Facilities – Stage I Vapor Recovery

62-252.400

Gasoline Dispensing Facilities – Stage II Vapor Recovery

62-252.500

Gasoline Tanker Trucks or Trailers

62-252.900

Form

PURPOSE AND EFFECT: The proposed rule involves amendments to Chapter 62-252, F.A.C., to revise requirements for gasoline vapor control from gasoline dispensing facilities, and tanker trucks and trailers. The proposed rule would eliminate Stage II vapor recovery requirements for new and upgraded gasoline dispensing facilities in Miami-Dade, Broward and Palm Beach counties and phase out Stage II vapor recovery requirements for existing facilities in those counties. The proposed rule would also apply Stage I vapor recovery requirements statewide to new and upgraded gasoline dispensing facilities, and phase in Stage I vapor control requirements statewide for gasoline dispensing facilities. This rulemaking is being conducted in conjunction with proposed amendments to Chapters 62-210 and 62-296, F.A.C., on the subject of gasoline vapor control.

SUMMARY: The proposed rule amendments address air pollution regulatory requirements statewide for gasoline dispensing facilities and tanker trucks and trailers.

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: 403.061 FS.

LAW IMPLEMENTED: 403.021, 403.031, 403.061, 403.087 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, April 11, 2007, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors Conference Room, 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 48 hours before the workshop/meeting by contacting: Ms. Lynn Scarce at (850)921-9551. 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: Ms. Terri Long at terri.long@dep.state.fl.us, phone (850)921-9556

THE FULL TEXT OF THE PROPOSED RULES IS:

62-252.200 Definitions.

The following words and phrases when used in this chapter shall, unless ~~the context content~~ clearly indicates otherwise, have the following meanings:

(1) through (2) No change.

(3) “Gasoline Cargo Tank” – A delivery tanker truck, trailer, or railcar that is loading or unloading gasoline.

~~(4)(3)~~ “Gasoline Dispensing Facility” – Any stationary facility that dispenses gasoline directly into the fuel tank of a site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.

(4) through (8) renumbered (5) through (9) No change.

~~(10)(9)~~ “Stage I Vapor Recovery System” – A system that captures and transfers gasoline vapors, which are generated by the transfer of gasoline from a gasoline cargo tank delivery vessel to a gasoline dispensing facility’s stationary storage tanks, into a vapor-tight gasoline cargo tank delivery vessel through direct displacement caused by the gasoline being loaded.

~~(11)(10)~~ “Stage II Vapor Recovery System” – A system that captures and transfers gasoline vapors, which are generated during motor vehicle refueling, into a gasoline dispensing facility’s stationary storage tanks.

~~(12)(11)~~ “Submerged Filling” – The filling of a gasoline cargo tank or a stationary storage tank through an internal fill pipe whose discharge is no more than six (6) inches from the bottom of the tank. Bottom filling of gasoline cargo tanks or stationary storage tanks is included in this definition.

~~The filling of a tanker truck or gasoline dispensing facility storage tank as follows:~~

~~(a) Tanker Truck: Filling with a drop tube which extends within six inches of the bottom of the compartment or through a nozzle installed at or within six inches of the bottom.~~

~~(b) Gasoline Dispensing Facility with Underground Tank: Filling with a drop tube or pipe which extends to within six inches of the tank bottom.~~

~~(c) Gasoline Dispensing Facility with Side Loaded Tank: Filling through a fill pipe which has its discharge opening completely submerged when the liquid level in the tank is 18 inches above the bottom of the tank.~~

~~(13)(12)~~ No change.

Specific Authority 403.061 FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.100, Amended 2-2-93, Formerly 17-252.200, Amended _____.

62-252.300 Gasoline Dispensing Facilities – Stage I Vapor Recovery.

(1) Applicability. ~~The emission limiting standards and control technology requirements as set forth in of this rule section shall apply to:~~

(a) All gasoline dispensing facilities with a monthly gasoline throughput of 20,000 gallons (75,700 liters) or more located in any area designated as a nonattainment area or air quality maintenance area for ozone under Rule ~~62-204.340 275~~, F.A.C.; ~~and.~~

(b) All gasoline dispensing facilities which are subject to the Stage II vapor recovery requirements of Rule 62-252.400, F.A.C.;

(c) All gasoline dispensing facilities in the state with a monthly throughput of 10,000 gallons (37,850 liters) or more that begin operation on or after August 1, 2007;

(d) All gasoline dispensing facilities in the state with a monthly throughput of 10,000 gallons (37,850 liters) or more that are not otherwise subject to this rule pursuant to paragraphs 62-252.300(1)(a), (b), or (c), F.A.C., and whose storage tanks are upgraded or replaced to meet the secondary containment requirements for integral piping in Rule 62-761.510, F.A.C., and are returned to operation on or after August 1, 2007; and

(e) All gasoline dispensing facilities in the state with a monthly throughput of 10,000 gallons (37,850 liters) or more that are not otherwise subject to this rule pursuant to paragraphs 62-252.300(1)(a), (b), (c), or (d), F.A.C.

(2) Prohibition. No owner or operator of ~~a any delivery vessel or~~ gasoline dispensing facility subject to the provisions of this section shall transfer or cause or allow the transfer of

gasoline from any ~~gasoline cargo tank such delivery vessel~~ into any stationary storage tank located at any such gasoline dispensing facility unless the stationary storage tank is equipped for submerged filling and the vapors displaced from the storage tank during filling are processed by a Stage I vapor recovery system in accordance with subsection Rule 62-252.300(3), F.A.C.

(3) Control Technology Requirements.

(a) ~~The Stage I vapor recovery system required by this rule section subsection shall include one or more of the following control methods:~~

~~1. A vapor tight line from the storage tank to the delivery vessel and a system that will ensure the vapor line is connected before gasoline can be transferred into the tank; or,~~

~~2. A system conforming with the equipment specifications of the U.S. Environmental Protection Agency EPA document, "Design Criteria for Stage I Vapor Control Systems – Gasoline Service Stations," dated November 1975, with the exception of Attachment A, hereby adopted and incorporated by reference which will not allow emissions of volatile organic compounds in the displaced vapor at a rate greater than 80 mg/liter of gasoline (4.7 grains/gallon) transferred.~~

(b) The Stage I vapor recovery system piping shall include pressure-vacuum vents and be leak-tight. The vapor laden delivery vessel shall be subject to the following conditions:

1. The delivery vessel shall be designed and maintained to be vapor tight at all times except for normal pressure vacuum venting as required by the Federal Department of Transportation or for maintenance, inspection, or gauging.

2. The vapor laden delivery vessel shall be refilled only at a bulk gasoline plant or terminal complying with Rule 62-296.509 or 62-296.510, F.A.C.

(4) Compliance Schedules. Any gasoline dispensing facility that becomes subject to the Stage I vapor recovery requirements of this rule by virtue of the 10,000-gallon Stage II applicability threshold of Rule 62-252.400, F.A.C., shall install a Stage I vapor recovery system no later than the date by which it must install a Stage II vapor recovery system pursuant to Rule 62-252.400, F.A.C.

(a) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(a), F.A.C., shall continue to operate and maintain their Stage I vapor recovery systems in compliance with this rule.

(b) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(b), F.A.C., shall continue to operate and maintain their Stage I vapor recovery systems in compliance with this rule.

(c) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(c), F.A.C., shall install Stage I vapor recovery systems prior to beginning operation and thereafter operate and maintain such systems in compliance with this rule.

(d) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(d), F.A.C., shall install Stage I vapor recovery systems at the time of upgrade or replacement of the stationary storage tanks and thereafter operate and maintain such systems in compliance with this rule.

(e) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(e), F.A.C., shall install Stage I vapor recovery systems by January 1, 2010, and thereafter operate and maintain such systems in compliance with this rule.

Specific Authority 403.061 FS. Law Implemented ~~403.021, 403.031, 403.061, 403.087~~ FS. History—Formerly 17-2.650(1)(f)11., Amended 2-2-93, Formerly 17-252.300, Amended _____.

62-252.400 Gasoline Dispensing Facilities – Stage II Vapor Recovery.

(1) Applicability.

(a) The control technology requirements set forth in this rule section shall apply to all gasoline dispensing facilities located in Broward, Miami-Dade and Palm Beach counties that which have dispensed 10,000 gallons (37,850 liters) or more of gasoline in any one month during or after 1991, unless the owner of any such facility demonstrates to the Department that it is an independent small business marketer of gasoline and has dispensed less than 50,000 gallons (189,250 liters) of gasoline in every month during and after 1991, or unless the facility is exempt from the control technology requirements of this rule pursuant to paragraph 62-252.400(1)(b), (c) or (d), F.A.C.

(b) Gasoline dispensing facilities at which the storage tanks or integral piping are upgraded or replaced to meet the secondary containment requirements of Rule 62-761.510, F.A.C., and are returned to operation on or after May 15, 2007, shall not be required to install, operate, test or maintain Stage II vapor recovery systems after such upgrade or replacement.

(c) Gasoline dispensing facilities that have not been required to install Stage II vapor recovery systems through a variance issued by the Department prior to May 15, 2007, shall not be required to install, operate, test or maintain Stage II vapor recovery systems.

(d) Gasoline dispensing facilities that begin operation on or after May 15, 2007, shall not be required to install, operate, test, or maintain Stage II vapor recovery systems.

(2) Prohibition.

(a) No owner or operator of a gasoline dispensing facility subject to the provisions of this section shall transfer, allow the transfer, or provide equipment for the transfer of gasoline to a vehicular fuel tank unless the facility is equipped with a Stage II vapor recovery system that which complies with the control technology requirements of subsection Rule 62-252.400(3), F.A.C., and the system is properly used as designed during the transfer.

(b) Any gasoline dispensing facility that was required to have a Stage II vapor recovery system pursuant to this rule prior to May 15, 2007, shall operate and maintain the system through December 31, 2009, except as provided at paragraph 62-252.400(1)(b), F.A.C.

(c) Any gasoline dispensing facility that ceases to operate and maintain its Stage II vapor recovery system pursuant to the rule shall decommission the system in such a manner as to seal and eliminate all areas of possible liquid and vapor leakage.

(3) No change.

(4) Compliance Schedules.

(a) through (c) No change.

(d) Any gasoline dispensing facility ~~that~~ ~~which~~ commences construction or undertakes a significant modification after November 15, 1992, must install a Stage II vapor recovery system prior to dispensing 10,000 gallons or more in any one month, except as otherwise provided at subsection 62-252.400(1), F.A.C.

(5) through (8) No change.

Specific Authority 403.061 FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087 FS. History—New 2-2-93, Formerly 17-252.400, Amended 11-23-94, _____.

62-252.500 Gasoline Tanker Trucks or Trailers.

(1) Applicability. All gasoline tanker trucks or trailers are subject to the prohibitions of subsection Rule 62-252.500(2), F.A.C. In addition, all gasoline tanker trucks or trailers with a delivery-vessel capacity of more than 4,500 gallons are subject to the leak testing requirements of subsection Rule 62-252.500(3), F.A.C.

(2) Prohibitions.

(a) No gasoline tanker truck or trailer shall be filled at any bulk gasoline plant or bulk gasoline terminal required by the Department to have a vapor recovery system, unless the delivery vessel of the tanker truck or trailer is equipped to receive gasoline by means of submerged filling.

(b) No gasoline tanker truck or trailer shall be used to deliver gasoline to one or more gasoline dispensing facilities whose stationary storage tanks are equipped with ~~subject to the Stage I vapor recovery systems control requirements of Rule 62-252.300, F.A.C.,~~ unless the tanker truck or trailer is equipped to dispense and receive gasoline by means of submerged filling. If the tanker truck or trailer is designed to receive displaced vapors from the stationary storage tank, the operator of such tanker truck or trailer shall ensure the vapor return line is completely connected before any gasoline is transferred to the storage tank, and ~~The~~ vapors displaced from the storage tanks during filling shall be ~~are~~ processed by a vapor recovery system, if available, at a bulk gasoline plant or bulk gasoline terminal.

(c) The tanker truck or trailer shall be designed and maintained to be vapor-tight at all times except when undergoing maintenance, inspection, or gauging, or during normal pressure vacuum venting as may be otherwise required by the Federal Department of Transportation.

(3) No change.

Specific Authority 403.061 FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(c)3., 17-2.700(6)(c)2.d., Amended 2-2-93, Formerly 17-252.500, Amended 9-10-96, _____.

62-252.900 Form.

The form used by the Department in the gasoline vapor control program is adopted and incorporated by reference in this section. The form is listed by rule number, which is also the form number, with the subject, title, and effective date. Copies of the form may be obtained by writing to the Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

~~(1)-~~ Gasoline Tanker Truck Leak Test Report. (DEP Form 62-252.900(1), Effective _____ ~~September 10, 1996~~)

Specific Authority 403.061 FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087 FS. History—New 2-2-93, Formerly 17-252.900, Amended 11-23-94, 9-10-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joseph Kahn

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS:	RULE TITLES:
62-296.418	Bulk Gasoline Plants
62-296.509	Bulk Gasoline Plants

PURPOSE AND EFFECT: The proposed rule involves amendments to Chapter 62-296, F.A.C., to repeal the Reasonably Available Control Technology (RACT) requirements for bulk gasoline plants in seven counties and to create new control technology requirements for bulk gasoline plants statewide. This rulemaking is being conducted in conjunction with proposed amendments to Chapters 62-210 and 62-252, F.A.C., on the subject of gasoline vapor control.

SUMMARY: The proposed rule addresses control technology requirements for new bulk gasoline plants on a statewide basis.
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: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061,403.087 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, April 11, 2007, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Director’s Conference Room, 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 48 hours before the workshop/meeting by contacting: Ms. Lynn Searce at (850)921-9551 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: Ms. Terri Long at terri.long@dep.state.fl.us, phone (850)921-9556

THE FULL TEXT OF THE PROPOSED RULES IS:

62-296.418 Bulk Gasoline Plants.

(1) The owner or operator of a bulk gasoline plant that has begun operation prior to August 1, 2007, is located in an area designated as a nonattainment area or air quality maintenance area for ozone under Rule 62-204.340, F.A.C., and has an average annual daily throughput of more than 2,000 gallons (7,570 liters) shall comply with the following requirements.

(a) Gasoline shall not be loaded into a stationary storage tank at the bulk gasoline plant unless the storage tank is equipped for submerged filling, and such equipment is used as designed.

(b) Gasoline shall not be loaded into a gasoline cargo tank at the bulk gasoline plant unless the gasoline cargo tank is equipped for submerged filling, and such equipment is used as designed.

(2) The owner or operator of a bulk gasoline plant that begins operation on or after August 1, 2007, at any location in the state and with any throughput rate shall comply with the following requirements.

(a) Gasoline shall not be loaded into a stationary storage tank at the bulk gasoline plant unless the storage tank is equipped for submerged filling, and such equipment is used as designed.

(b) Gasoline shall not be loaded into a gasoline cargo tank at the bulk gasoline plant unless:

1. The gasoline cargo tank is equipped for submerged filling, and such equipment is used as designed;

2. The loading rack is equipped with a vapor collection and control system designed to minimize emissions of vapors displaced from the gasoline cargo tank during product loading; and

3. The loading rack vapor collection and control system is designed and operated to prevent any vapors collected at the loading rack from passing to another loading rack.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History–New _____.

62-296.509 Bulk Gasoline Plants.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History–Formerly 17-2.650(1)(f)9., 17-296.509, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joseph Kahn

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2007

DEPARTMENT OF HEALTH

RULE NOS.:	RULE TITLES:
64-3.010	Definitions
64-3.020	Eligibility Criteria for Special Needs Shelters
64-3.030	Guidelines for Special Needs Shelter Staffing Levels
64-3.040	Definition of Special Needs Shelter Supplies and Equipment
64-3.050	Special Needs Shelter Registration
64-3.060	Addressing the Needs of Families
64-3.070	Pre-event Planning Activities
64-3.080	Service Reimbursement

PURPOSE AND EFFECT: The purpose of the proposed rule is to implement Section 381.0303(3) and Section 381.0303(6), F.S. The statute establishes requirements for definitions, guidelines and standards related to persons with special needs, the registration process for persons with special needs, and special needs shelters.

SUMMARY: The proposed new rule defines a person with special needs including eligibility criteria for access to the special needs shelter. The rule identifies the service environment and the type of service the person with special needs should expect. The rule provides scalable guidelines for special need shelter staffing. The rule defines special needs

shelter and equipment and the responsibility of the person with special needs or his or her home medical equipment provider to ensure that his or her own life-sustaining or life-supporting equipment is brought to the special needs shelter. The rule specifies the registration information that should be gathered on all persons with special needs, which will be used for pre-event planning. The rule also specifies that the local emergency management and county health department share this information to determine appropriate placement for sheltering. Information from the unregistered person with special needs is gathered upon his or her arrival at the shelter. The rule makes allowances for families to shelter together. The rule requires the county health department to invite local health and medical stakeholders to participate in special needs shelter planning. The rule establishes how the health care practitioner and facilities may apply for reimbursement.

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: 381.0303(3), (6) FS.

LAW IMPLEMENTED: 381.0303(3), (6) 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: April 11, 2007, 9:00 a.m. – 12:00 p.m.

PLACE: Building 4040, Room 301, 4040 Esplanade Way, Tallahassee, FL 32399-7000

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Christie Brown, 4052 Bald Cypress Way, Bin C27, Tallahassee, FL 32399-1711, Phone Number: (850)245-4444, Extension: 3871 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: Christie Brown, 4052 Bald Cypress Way, Bin C27, Tallahassee, FL 32399-1711, Phone Number: (850)245-4444, Extension: 3871

THE FULL TEXT OF THE PROPOSED RULES IS:

64-3.010 Definitions.

(1) A person with special needs is someone, who during periods of evacuation or emergency, requires sheltering assistance, due to physical impairment, mental impairment, cognitive impairment, or sensory disabilities, that exceeds the basic level of care provided at a general population shelter, but

does not require the level of care provided at a skilled medical facility. A person with special needs is not a person residing in a facility required by state law to have an evacuation and emergency management plan for natural and man-made disasters.

(2) A caregiver is an individual who is familiar with the care requirements of the person with special needs, is capable of providing the level of care necessary to maintain the health of the person with special needs and has been identified by the person with special needs to be his or her caregiver.

(3) Special needs shelters are locations that are, in whole or in part, designated in pre-event planning activities as refuges that provide shelter to persons with special needs who have no other option for sheltering. These shelters have back-up generator power. Special needs shelter services are provided in an austere environment, with the intent of minimizing deterioration of pre-disaster levels of health.

Specific Authority 381.0303(6)(a) FS. Law Implemented 381.0303(6)(a) FS. History–New _____.

64-3.020 Eligibility Criteria for Special Needs Shelters.

(1) A person shall be eligible for access to a special needs shelter if they are a person with special needs.

(2) Special needs shelters may choose to accept persons with care needs that exceed the criteria stated in subsection 64-3.010(1), F.A.C.

(3) Determination as to the capacity (either in skills or assets) of the special needs shelter is made by the local emergency management agency and the county health department or their designees.

(4) Every reasonable effort shall be made to avoid admitting a person with a known communicable condition or a condition that requires airborne precautions.

Specific Authority 381.0303(6)(a) FS. Law Implemented 381.0303(6)(a) FS. History–New _____.

64-3.030 Guidelines for Special Needs Shelter Staffing Levels.

(1) The following is a guideline for special needs shelter staffing:

(a) Each special needs shelter should be staffed at a minimum with one registered nurse or advanced registered nurse practitioner on every shift during the sheltering event.

(b) The special needs shelter may be additionally staffed with one licensed medical practitioner per 20 persons with special needs per shift during the sheltering event.

(c) The special needs shelter may be additionally staffed with one unlicensed person per 20 persons with special needs per shift during the sheltering event.

(2) Staffing levels may require adjustment as the sheltering event warrants. Variables may include the stage of the sheltering event, acuity of the persons with special needs, presence of caregivers, or availability of volunteers.

Specific Authority 381.0303(6)(c) FS. Law Implemented 381.0303(6)(c) FS. History–New _____.

64-3.040 Definition of Special Needs Shelter Supplies and Equipment.

(1) Special needs shelter supplies and equipment are the items necessary to provide services in a special needs shelter during an evacuation or emergency to minimize deterioration of the person’s pre-disaster levels of health.

(2) The Department of Health maintains a list of recommended special needs shelter supplies and equipment. The list may be requested from the Department of Health, Office of Public Health Nursing, 4052 Bald Cypress Way, Bin #C27, Tallahassee, FL 32399-1711.

(3) The person with special needs or his or her home medical equipment provider will be required to ensure all life sustaining or life supporting equipment is available at the special needs shelter in accordance with Section 400.925(13) and Section 400.934(20)(a)1., F.S.

Specific Authority 381.0303(6)(d) FS. Law Implemented 381.0303(6)(d) FS. History–New _____.

64-3.050 Special Needs Shelter Registration.

(1) The entity registering a person with special needs for access to the special needs shelter will gather information on the person with special needs. The information items gathered will be used for pre-event planning and will include but not be limited to the following:

- (a) Full name.
- (b) Phone number and street address including the city and zip code.
- (c) Height and weight.
- (d) Primary language.
- (e) Emergency contact information for a local and non-local emergency point of contact including the name, relationship, and phone number.
- (f) Residence type and living situation, whether alone or with a relative or caregiver.
- (g) Any type of medical dependence on electricity, such as oxygen concentrator, nebulizer, feeding pump, continuous positive airway pressure equipment, suction equipment, or medication requiring refrigeration.
- (h) Any type of medical dependence on oxygen, including the type, rate, and mode of administration.
- (i) Any assistance required with medications.
- (j) Any cognitive impairment, mental health problems, psychiatric, or personality disorder such as Alzheimer’s disease, dementia, obsessive compulsive disorder, autism, conduct disorder, anxiety, or depression.
- (k) Any sensory loss or impairment and any related assistive device.

(n) Any mobility impairment and any related assistive device.

- (o) Any use of a trained service animal.
- (p) Any type of incontinence.
- (q) Any dependence on dialysis.
- (r) Name and contact information for any other medical support providers, such as home health agency, hospice, nurse registry, home medical equipment provider, and dialysis center.
- (s) A list of all medical conditions.
- (t) A list of all medications.
- (u) Any transportation needs.

(2) The registry application information of all persons with special needs will be provided to the county health department or the agency with the responsibility for the management of care in the special needs shelter at pre-determined intervals established jointly by the county emergency management agency and the county health department or the agency with the responsibility for the management of care in the special needs shelter.

(3) The county health department or the agency with the responsibility for the management of care in the special needs shelter will review the registry application information to determine if the applicant is appropriate to place in the special needs shelter during an evacuation or emergency. The county emergency management agency will be notified of the determination.

(4) The application information of all persons with special needs who are on the county emergency management agency’s special needs shelter list will be provided to the county health department or the agency with the responsibility for the management of care in the special needs shelter immediately prior to a sheltering event.

(5) Persons with special needs who are unregistered, but who arrive at the special needs shelter during a sheltering event, will be assessed at the activated special needs shelter point of intake, and assessed for appropriate shelter placement.

Specific Authority 381.0303(6)(e) FS. Law Implemented 381.0303(6)(e) FS. History–New _____.

64-3.060 Addressing the Needs of Families.

(1) The caregiver of a person with special needs who is eligible for admission to a special needs shelter, and all persons for whom he or she is the caregiver, will be allowed to shelter together in the special needs shelter.

(2) A person with special needs, who is also responsible for the care of individuals without special needs, will be allowed to shelter in the special needs shelter with the persons for whom he or she is the caregiver.

Specific Authority 381.0303(6)(f) FS. Law Implemented 381.0303(6)(f) FS. History–New _____.

64-3.070 Pre-event Planning Activities.

The local emergency management agency will be the lead agency in the coordination of integrated and comprehensive special needs shelter planning in cooperation with county health department, or locally designated ESF 8 Health and Medical lead agency, consistent with Appendix 8 (Health and Medical Services) of the State Comprehensive Emergency Management Plan. This planning process will seek to include, but not be limited to, the participation of Children’s Medical Services, hospitals, nursing homes, assisted living facilities, home health agencies, hospice providers, nurse registries, home medical equipment providers, oxygen providers, dialysis centers, and other health and medical emergency preparedness stakeholders in the pre-event planning activities to enhance the safety and well-being of persons with special needs before, during, and after a disaster.

Specific Authority 381.0303(6)(g) FS. Law Implemented 381.0303(6)(g) FS. History–New _____.

64-3.080 Service Reimbursement.

(1) Health care practitioners shall make reimbursement requests for services rendered under Section 381.0303(3)(a)1. consistent with Section 381.0303(3)(b), F.S. using the DOH form # DH 1989, 12/06, “Vendor Invoice for Special Needs Health Care Practitioner”, which is incorporated by reference. This document is available from the Department of Health, Bureau of Finance and Accounting, 4052 Bald Cypress Way, Bin # B01, Tallahassee, FL 32399-1729.

(2) Vendors shall make reimbursement requests for services rendered under Section 381.0303(3)(a)2. consistent with Section 381.0303(3)(b), F.S., using DOH form # DH 1990, 12/06, “Vendor Invoice for Services Rendered to Special Needs Clients Placed by the Multiagency Special Needs Shelter Discharge Planning Team”, which is incorporated by reference. This document is available from the Department of Health, Bureau of Finance and Accounting, 4052 Bald Cypress Way, Bin #B01, Tallahassee, FL 32399-1729. Reimbursement shall be at the Medicaid rate in effect the date the service, for which reimbursement is requested by the vendor, is rendered.

Specific Authority 381.0303(3)(a)2., 381.0303(6)(b) FS. Law Implemented 381.0303(3)(a)2., 381.0303(3)(b), 381.0303(6)(b) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Christie Brown, R.N., Registered Nursing Consultant, Office of Public Health Nursing, Department of Health

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sandra Schoenfisch, R.N., Ph.D., Acting Director, Office of Public Health Nursing, Department of Health

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 27, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 3, 2006

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.

SUMMARY: Includes approval of designated association sponsored programs.

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

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

SPECIFIC AUTHORITY: 456.013(8), (9), 456.025(7), 456.036, 480.035(7), 480.0415 FS.

LAW IMPLEMENTED: 456.013(8), (9), 456.025(7), 456.036, 480.041 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 E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-28.010 Requirements for Board Approval of Continuing Education Programs

(1) through (8) No change.

(9) The following courses, that meet the criteria for approval under this section, are approved by the Board:

(a) Organized and accepted courses of study offered by providers approved by the National Certification Board for Therapeutic Massage and Bodywork; ~~and~~

(b) Organized courses offered by a Board Approved Massage School;-

(c) Continuing education courses offered by or sponsored by the Florida Board of Massage Therapy:-

(d) Continuing education courses sponsored by the Florida State Massage Therapy Association; and

(e) Continuing education courses sponsored by the American Massage Therapy Association or the American Massage Therapy Association Florida Chapter.

Specific Authority 456.013(8), (9), 456.036, 480.035(7), 480.0415 FS. Law Implemented 456.013(8), (9), 456.025(7), 456.036, 480.0415 FS History–New 4-21-86, Amended 9-14-87, 8-29-88, 2-8-89, 3-12-90, 1-3-91, Formerly 21L-28.010, Amended 9-30-93, 8-16-94, 6-12-97, Formerly 61G11-28.010, Amended 2-18-98, 10-26-98, 9-20-99, 11-4-99, 11-21-02, 10-12-03, 12-13-05, 7-5-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 16, 2007

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE NO.: 64B23-4.001
RULE TITLE: Continuing Education Requirements
PURPOSE AND EFFECT: To update the rule
SUMMARY: The rule is amended to state the continuing education requirements in plain English including one hour relating to the transmission and prevention of HIV/AIDS.
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, 483.901(6)(a) FS.
LAW IMPLEMENTED: 456.013, 483.901(6)(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: Joe Baker, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B23-4.001 Continuing Education Requirements.
(1) ~~The~~ For the purpose of renewing or reactivating a license, the licensee must complete demonstrate to the Department that he or she participated in at least 24 twenty four (24) hours of approved continuing education, including 1 hour relating to the transmission and prevention of HIV/AIDS and 2 of which two (2) hours must be in a course relating to the prevention of medical errors for renewal or reactivation of the license pursuant to the requirements of Section 456.013, Florida Statutes.
(2) through (3) No change.

Specific Authority 456.013, 483.901(6)(a) FS. Law Implemented ~~381.0034~~, 456.013, 483.901(6)(a) FS. History–New 6-21-99, Amended 8-21-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joe Baker
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2007

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE NO.: 64B23-6.001
RULE TITLE: Penalty Guidelines
PURPOSE AND EFFECT: To update the rule.
SUMMARY: Disciplinary penalty guidelines are provided for all violations of the practice act and violations of the applicable portions of Section 456.072, Florida Statutes.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.079(1), 483.901(6)(a) FS.
LAW IMPLEMENTED: 456.072, 456.079, 483.901(6)(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: Joe Baker, Executive Director, MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B23-6.001 Penalty Guidelines ~~Penalties~~.
(1) ~~Unless mitigating or aggravating factors are demonstrated when the Department finds an applicant or licensee whom it regulates under Chapter 483, Part IV, F.S., has committed any of the acts set forth in Section 483.901(6), F.S., it shall issue a final order imposing appropriate penalties based upon the severity and repetition of the offense within the ranges recommended in the following disciplinary guidelines:~~
(a) ~~Practicing or attempting to practice medical physics with a license fraudulently obtained. In the case of an applicant, the Department shall deny the application. In the case of a licensee who has obtained or attempted to obtain a license by fraud, the Department shall impose a reprimand to revocation and a fine of \$250 to \$1,000, depending on the~~

severity of the fraud. In the case of a licensee who has practiced or attempted to practice, the Department shall impose a reprimand with or without a period of suspension and fine of \$500 to \$1,000.

(b) ~~Using or attempting to use a license to practice medical physics that has been suspended. The Department shall impose a penalty of revocation.~~

(c) ~~Selling or fraudulently obtaining or furnishing any diploma, license, or record of registration or aiding or abetting in the same. The Department in the case of a licensee shall impose a penalty ranging from suspension to revocation and a fine of \$500 to \$1,000. In the case of an applicant, the Department shall deny the application.~~

(d) ~~Making any willfully false oath or affirmation whenever an oath of affirmation is required by Chapter 483, Part IV, F.S. The Department in the case of a licensee shall impose a penalty ranging from probation to suspension and a fine of \$500 to \$1,000. In the case of an applicant, the Department shall deny the application.~~

(e) ~~Using any name, title, or phrase which would lead the public to believe that such person is engaging in the practice of medical physics, unless such person is licensed as a medical physicist in this State. The Department in the case of a licensee shall impose a penalty ranging from a reprimand to probation, and a fine from \$500 to \$1,000. In the case of an applicant, the Department shall deny the application.~~

(f) ~~Knowingly concealing information relative to a violation of Chapter 483, Part IV, F.S. The Department in the case of a licensee shall impose a penalty ranging from a reprimand to probation, and an administrative fine from \$250 to \$1,000. In the case of an applicant, the Department shall deny the application.~~

~~(1)(2) Unless mitigating or aggravating factors are present, demonstrated when the Department finds an applicant or licensee whom it regulates under Chapter 483, Part IV, F.S., has committed any of the acts set forth in Section 483.901(6), F.S., it shall issue a final order imposing appropriate penalties based on the severity and repetition of the violation offense within the ranges recommended in the following disciplinary guidelines. The identification of violations is descriptive only; the full language of each statutory provision cited must be considered in order to determine the conduct included. For all persons subject to this rule, conditions of probation may be required following any period of suspension of the license. All listed violations provide sufficient grounds for denying a licensure application. A finding of financial benefit or self-gain related to the violation is grounds for requiring the subject to refund fees billed and collected from a patient or third party in addition to any other appropriate penalties. In addition to any other discipline imposed, the Department shall assess the actual costs related to the investigation and prosecution of a case. In addition to or in lieu of the penalties provided herein, if~~

~~the violation is for fraud or making a false or fraudulent representation, the Department shall impose a fine of \$10,000 per count or offense.~~

(a) ~~Section 483.901(6)(g)1. or 456.072(1)(h), F.S.: Attempting to obtain, obtaining or renewing a license to practice medical physics by bribery, by fraudulent misrepresentation, or through an error of the Department.~~

~~Bribery – from a minimum fine of \$500 and/or up to two years of probation to a maximum of revocation. For a second or subsequent violation, revocation and a maximum fine of \$10,000.~~

~~Fraudulent misrepresentation – from six months probation and a fine of \$10,000 to a maximum of revocation and a fine of \$10,000. For a second or subsequent violation, revocation and a fine of \$10,000.~~

~~Department error – from a letter of concern and/or a fine of \$500, up to a maximum of suspension of license for one year, followed by two years of probation, and a fine of \$5,000. For a second or subsequent violation, from a minimum fine of \$5,000 to revocation. In the case of an applicant, the Department shall deny the application. In the case of a licensee, the Department shall revoke the license.~~

(b) ~~Section 483.901(6)(g)2. or 456.072(1)(f), F.S.: Having a license to practice medical physics revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country – action consistent with the penalty guidelines for the violation had the violation occurred in the State of Florida. For a second or subsequent violation, action consistent with the penalty guidelines for a repeat violation had it occurred in Florida. In the case of a licensee, the Department shall impose a penalty ranging from reprimand to probation and a fine from \$500 to \$1,000. In the case of an applicant, the Department shall deny the application.~~

(c) ~~Section 483.901(6)(g)3. or 456.072(1)(c), F.S.: Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which is directly related to the practice of medical physics or the ability to practice medical physics – from a minimum fine of \$1,500 and six months probation to a maximum fine of \$5,000 and/or revocation. For a second or subsequent violation, from a minimum of one year of probation up to a maximum fine of \$10,000 and/or revocation of license. In the case of a licensee, the Department shall impose a penalty ranging from probation to revocation and a fine from \$500 to \$1,000, depending upon the nature of the offense and the substantiating evidence. In the case of an applicant, the Department shall deny the application.~~

(d) ~~Section 483.901(6)(g)4. or 456.072(1)(i), F.S.: Willful filing of a false report or impeding and/or inducing another to file a false report – from a minimum fine of \$3,000 and/or suspension of license for three months~~

followed by six months probation up to a maximum of revocation and/or a fine of \$7,500. For a second or subsequent violation, up to a maximum fine of \$10,000 and/or revocation.

~~(e)(d)~~ Section 483.901(6)(g)5. or 456.072(1)(a), F.S.: Advertising or otherwise making representations in a manner which is false, deceptive or misleading – from a minimum fine of \$1,000 and a reprimand up to a maximum fine of \$7,500 and one year of probation. For a second violation, from a minimum fine of \$2,500 and/or one year of probation to a maximum fine of \$10,000 and/or six months suspension of license. For a third violation, a fine of up to \$10,000 and/or one year of suspension followed by two years probation up to a maximum fine of \$10,000 and/or revocation. The Department shall impose a penalty ranging from reprimand to probation and a fine from \$250 to \$1,000.

~~(e)~~ Advertising, practicing or attempting to practice under a name other than one's own. The Department shall impose a penalty ranging from reprimand to probation and a fine from \$250 to \$1,000.

~~(f)~~ Section 483.901(6)(g)6. or 456.072(1)(i), F.S.: Failing to report to the Department any person the licensee knows to be in violation of Chapter 456 or 483, Part IV, F.S., or the rules of the Department – from a minimum letter of concern and/or a fine of \$500 up to a maximum fine of \$1,000 and/or six months of probation. For a second or subsequent violation, a minimum of six months of probation and/or a fine of \$2,000 to a maximum fine of \$7,500 and/or revocation. The Department shall impose a penalty of a reprimand and a fine of \$250.

~~(g)~~ Section 483.901(6)(g)7. or 456.072(1)(k), F.S.: Failing to perform any statutory or legal obligation placed upon a licensee – from a minimum fine of \$500 and a letter of concern up to a maximum fine of \$7,500 and/or two years of suspension followed by two years of probation. For a second violation, from a minimum fine of \$2,500 and six months of probation up to a maximum fine of \$10,000 and/or revocation. For a third or subsequent violation, up to a fine of \$10,000 and/or revocation.

~~(h)(g)~~ Section 483.901(6)(g)8. or 456.072(1)(j), F.S.: Aiding, assisting, procuring, permitting or advising any unlicensed person to practice medical physics contrary to Chapter 483, Part IV, F.S., or the rules of the Department – from a minimum \$3,500 fine and/or one year of suspension followed by probation to a fine of \$7,500 and/or revocation of license. For a second or subsequent violation, from a fine of \$5,000 up to a maximum fine of \$10,000 and/or revocation. The Department shall impose a penalty of probation to suspension and a fine from \$500 to \$1,000. In the case of an applicant, the Department shall deny the application.

~~(h)~~ Failing to perform any statutory or legal obligation placed upon a licensed medical physicist. The Department shall impose a penalty ranging from reprimand to probation and a fine from \$250 to \$1,000.

(i) Section 483.901(6)(g)9. or 456.072(1)(p), F.S.: Delegating professional responsibilities to a person when the delegating licensee knows or has reason to know that such person is not qualified by training, experience or licensure to perform them – from a minimum fine of \$1,500 and/or six months of probation up to a maximum fine of \$5,000 and suspension of license for two years followed by up to three years of probation. For a second or subsequent violation, from a minimum fine of \$3,000 and/or suspension of license for six months followed by one year of probation up to a maximum fine of \$10,000 and/or revocation. Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a licensed medical physicist. The Department shall impose a penalty ranging from reprimand to probation and a fine from \$250 to \$1,000.

~~(j)~~ Section 483.901(6)(g)10. or 456.072(1)(o), F.S.: Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee has reason to know that the licensee is not competent to perform – from a minimum fine of \$1,000 and/or one year of probation up to a maximum fine of \$5,000 and/or two years of probation. For a second or subsequent violation, from a minimum fine of \$2,500 and two years of probation up to a maximum fine of \$8,000 and/or revocation. Paying or receiving any commission, bonus, kickback, rebate or engaging in any split fee arrangement in any form whatsoever with a physician, organization, Department or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to hospitals, nursing homes, clinical laboratories, ambulatory surgical centers or pharmacies. The Department shall impose a penalty ranging from reprimand to probation and a fine from \$500 to \$1,000.

~~(k)~~ Section 483.901(6)(g)11. F.S.: Gross or repeated malpractice or the failure to practice medical physics at a level of care, skill, and treatment which is recognized by a reasonably prudent medical physicist as being acceptable under similar conditions and circumstances – from a minimum fine of \$1,000 up to a maximum fine of \$10,000 and/or revocation. For a second or subsequent violation, from a minimum fine of \$5,000 up to a maximum fine of \$10,000 and or revocation.

~~(l)~~ Section 483.901(6)(g)12. F.S.: Judicially determined mental incompetency – from a minimum of voluntary relinquishment of license pending a judicial determination or suspension until a judicial determination that competency to practice has been restored to revocation.

(m) Section 483.901(6)(g)13. or 456.072(1)(z), F.S.: Practicing medical physics without reasonable skill and safety by reason of illness, or use of alcohol, drugs, narcotic, chemicals or any other type of material or as a result of any mental or physical condition – from a minimum of a referral to a Department approved impaired practitioner program or the Professionals Resource Network (PRN) for evaluation and/or treatment and two years of probation to a maximum of suspension of license until determined safe to practice followed by up to five years of probation. For a second or subsequent violation, from a \$750 fine, referral to PRN, and a minimum of two years probation to revocation.

(n) Section 483.901(6)(g)14. or 456.072(1)(b) or 456.072(1)(dd), F.S.: Violating any provision of chapter 483, Part IV, F.S. or chapter 456, or any rules adopted pursuant thereto – from a minimum fine of \$1,000 and/or a reprimand up to a maximum fine of \$5,000 and/or suspension of license for two years followed by two years of probation. For a second violation, from a minimum fine of \$5,000 and/or two years of probation up to a maximum fine of \$10,000 and/or revocation. For a third or subsequent violation, from a minimum fine of \$7,500 and/or six months of suspension followed by two years of probation up to a maximum fine of \$10,000 and/or revocation.

(o) Section 456.072(1)(m), F.S.: Making misleading, deceptive, untrue or fraudulent representations in the practice of medical physics or employing a trick or scheme in the practice of medical physics when such scheme or trick fails to conform to the generally prevailing standards of treatment in the community – from a minimum six months of probation to a maximum suspension of license for one year followed by two years of probation and a \$10,000 fine per count or violation. For a second or subsequent violation, from a minimum of two years of probation to revocation and a fine of \$10,000 per count or violation. The Department shall impose a penalty ranging from probation to suspension and a fine from \$500 to \$1,000.

(l) Soliciting patients either personally or through an agent. The Department shall impose a penalty ranging from reprimand to probation and a fine of \$500.

(m) Failing to prepare written or electronic records detailing the content of the professional service(s) provided. The Department shall impose a penalty ranging from reprimand to probation and a fine from \$250 to \$1,000.

(p) Section 456.072(1)(n), F.S.: Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party – from a minimum fine of \$1,000 and/or one year of probation to a maximum fine of \$10,000 and/or revocation. For a second or subsequent violation, from a minimum two years probation and a fine of \$2,500 to a fine of \$10,000 and/or revocation. The Department shall impose a penalty ranging from probation to suspension and a fine from \$500 to \$1,000.

(e) Performing professional services when knowing such services have not been duly authorized by the patient or client or his legal representative. The Department shall impose a penalty ranging from reprimand to probation and a fine from \$250 to \$500.

(p) Practicing medical physics without reasonable skill and safety by reason of illness, or use of alcohol, drugs, narcotic, chemicals or any other type of material or as a result of any mental or physical condition. The Department shall impose a penalty of suspension until such time as the licensee demonstrates rehabilitation followed by probation under such terms and conditions as set by the Department and a fine from \$250 to \$500. If the individual is an applicant, the Department shall deny the application.

(q) Section 456.072(1)(q), F.S.: Violating a lawfully issued order or subpoena – from a minimum fine of \$1,000 and a letter of concern to a maximum fine of \$8,000 and suspension of license for up to two years followed by two years of probation. For a second or subsequent violation, from a minimum fine of \$2,000 and/or two years of probation to a fine of \$10,000 and revocation. Gross or repeated malpractice or the failure to practice medical physics at a level of care, skill, and treatment which is recognized by a reasonably prudent medical physicist as being acceptable under similar conditions and circumstances. The Department shall impose a penalty ranging from probation to revocation and a fine from \$250 to \$1,000, depending on the severity of the offense.

(r) Section 456.072(1)(r), F.S.: Interfering with an investigation, inspection, or disciplinary proceeding – from a minimum fine of \$800 and/or one year of probation to a maximum fine of \$10,000 and/or revocation. For a second or subsequent violation, a minimum fine of \$2,500 and two years probation to a maximum fine of \$10,000 and/or revocation. Performing any procedure which, by prevailing standards of medical physics practice in the community, would constitute experimentation on human subjects without first obtaining full, informed, and written consent. The Department shall impose a penalty ranging from probation to suspension and a fine from \$500 to \$1,000.

(s) Section 456.072(1)(e), F.S.: Failing to comply with the educational course requirements of HIV/AIDS – from providing proof of compliance and a minimum fine of \$500 and a letter of concern to a maximum fine of \$1,500 and up to three years of probation. For a second or subsequent violation, from a minimum fine of \$1,000 to a maximum fine of \$5,000 and up to three months of suspension followed by two years of probation. Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he is not competent to perform. The Department shall impose a penalty ranging from an administrative fine of \$1,000 and one year of probation, up to a maximum of revocation or denial of the license.

(t) Section 456.072(1)(t), F.S.: Failing to identify to a patient not in certain facilities that the practitioner is licensed as a medical physicist – from a letter of apology and/or a minimum fine of \$250 to a maximum fine of \$500 and/or six months probation. For a second or subsequent violation, from a fine of \$500 and a reprimand to a fine of \$1,000 and/or up to one year probation. Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience or licensure to perform them. The Department shall impose a penalty ranging from reprimand to probation and a fine from \$250 to \$1,000.

(u) Section 456.072(1)(v), F.S.: Engaging or attempting to engage in sexual misconduct – from a reprimand and/or fine of \$1,000 to a maximum fine of \$10,000 and referral for evaluation and assistance and/or revocation. For a second or subsequent violation, from a fine of \$5,000, referral for evaluation and/or six months suspension followed by one year of probation to a fine of \$10,000 and revocation. Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate or preclude another licensee from lawfully advertising his services. The Department shall impose a penalty of reprimand to probation and a fine from \$250 to \$500.

(v) Section 456.072(1)(x), F.S.: Failing to report a conviction or plea, regardless of adjudication, within 30 days – from a minimum letter of concern and/or fine of \$250 to a maximum fine of \$3,000 and/or up to two years of probation. For a second or subsequent violation, a reprimand and fine of \$500 up to a maximum fine of \$5,000 and three months suspension followed by two years probation. Fraud, deceit, or misconduct in the practice of medical physics. The Department shall impose a penalty ranging from probation to revocation and a fine from \$500 to \$1,000.

(w) Section 456.072(1)(aa), F.S.: Testing positive for any drug on any preemployment or employer-ordered drug screening – from a minimum of a referral to a Department approved impaired practitioner program or PRN for evaluation and treatment and two years of probation to a maximum of suspension of license until determined safe to practice followed by up to five years of probation. For a second or subsequent violation, from a \$750 fine, referral to PRN, and a minimum of two years probation to revocation. Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform. The Department shall impose a penalty ranging from probation to revocation and a fine from \$250 to \$500.

(x) Section 456.072(1)(bb), F.S.: Performing or preparing for or attempting services on the wrong patient, wrong site, wrong procedure, or an unauthorized procedure or one that is

medically unnecessary or unrelated to patient's condition – from a minimum fine of \$1,000 and a reprimand to a maximum fine of \$9,000 and/or three months suspension followed by two years probation. For a second or subsequent violation, from a minimum fine of \$5,000 and a year of probation to a fine of \$10,000 and/or revocation. Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting to performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them. The Department shall impose a penalty of probation to revocation and a fine from \$500 to \$1000.

(y) Section 456.072(1)(ee) or 456.072(1)(ff), F.S.: Intentionally submitting an “upcoded” bill or claim or a bill or claim for payment of services not rendered – from reimbursement and a fine of \$1,000 and/or a year of probation to a maximum fine of \$10,000 and/or revocation. For a second or subsequent offense, a fine of \$2,000 and a year of probation to a maximum fine of \$10,000 and/or revocation. Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. The Department shall impose a penalty of reprimand to suspension and a fine from \$250 to \$500.

(z) Section 456.072(1)(hh), F.S.: Being terminated from a treatment program for impaired practitioners without good cause- from suspension of license until determined safe to practice and/or reinstatement in the program to revocation. The same penalty would apply for a second or subsequent violation.

(2) Any or all of the following conditions may be imposed as terms of probation:

- (a) Restitution of the costs of probation.
- (b) Restitution to patient(s) or third party payor(s).
- (c) Affidavit of understanding laws and rules.
- (d) Department access to all business records.
- (e) Continuing education classes beyond those required for biennial renewal.
- (f) Attendance or participation in specific training and/or classes.
- (g) Direct or indirect supervision by a Department-approved monitor.
- (h) Restitutions on practice.
- (i) Submission of reports by licensee, monitor, and or supervisor or employer at a frequency determined by the Department.
- (j) Community service.
- (k) Urine, blood, and hair testing.
- (l) Other appropriate conditions related to the committed violation.

Specific Authority 456.079(1), 483.901(6)(a) FS. Law Implemented 456.072, 456.079, 483.901(6)(a) FS. History–New 7-15-99, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joe Baker

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2007

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

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

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

SUMMARY: The PPIA and CCA designations are added to the existing Accredited Claims Adjuster (ACA) and Professional Claims Adjuster (PCA) designations which relieve an insurance adjuster applicant of the examination requirement imposed by Section 626.221, Florida Statutes.

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: 626.221 FS.

LAW IMPLEMENTED: 626.221 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: Friday, April 13, 2007, 9:30 a.m.

PLACE: 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: Hazel Muhammad, (850)413-5460. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Hazel Muhammad, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5460

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-211.320 Curriculum Standards for Special Designation.

Pursuant to Section 626.221(1), Florida Statutes, the Department of Financial Services establishes the following curriculum standards:

(1) No change.

(2) For designation as an Accredited Claims Adjuster (ACA), ~~or~~ Professional Claims Adjuster (PCA), or Professional Property Insurance Adjuster (PPIA) from the HurriClaim Training Academy, or Certified Claims Adjuster (CCA) from the Association of Property and Casualty Claims Professionals, the requirement is at least 40 course hours:

(a) through (b) No change.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 19, 2007

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-149.002 RULE TITLE: Scope and Applicability

PURPOSE AND EFFECT: Rule 69O-149.002 is being amended to adopt the recent National Association of Insurance Commissioners (NAIC) interstate compact standard for defining incidental for accelerated death benefits.

SUMMARY: If the cost of an accelerated death benefit is incidental, less than 10% of the cost of the contract as a whole, the accelerated rider would not be subject to the health standards. These include such riders as accelerated long-term care and accelerated death benefits due to heart or other critical conditions. The standard provides for the formula to be used to meet the test.

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: 624.308(1), 627.410(6)(b) FS.

LAW IMPLEMENTED: 624.307(1), 627.402, 627.410(1), (2), (6), (7), 627.411(1)(e), (2), 627.6515(2)(a), 627.6699 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: April 11, 2007, 9:30 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 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 IS: Tracie Lambright, Life and Health Product Review, Office of Insurance Regulation, E-mail: Tracie.Lambright@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-149.002 Scope and Applicability.

(1) through (5) No change.

(6) Pursuant to the provisions of Section 627.410(6)(b), F.S., rate filings required by Rule 69O-149.003, F.A.C. and ARC filings required by Rule 69O-149.007, F.A.C., are not required to be made for the following; however, the rating standards contained in this Part I and applicable statutes shall continue to apply as if the rate schedules were required to be filed for approval:

(a) Annually rated group health insurance policies as defined by Section 627.652(1), F.S., including blanket insurance as defined by Section 627.659, F.S., issued in this state that provide availability of coverage only to groups with 51 or more employees/members.

(b) This filing exemption does not apply to franchise policies issued pursuant to Section 627.663, F.S.

(c) This filing exemption does not apply to stop-loss policy forms, unless the policy is issued only to employers with 51 or more employees.

~~(7)(a)(b)~~ Forms that provide for the acceleration of the benefits of a life insurance policy that are incidental to the total life insurance coverage are not subject to the annual rate or ARC filing requirements of Section 627.410, F.S., or these rules. The insurer is required to submit an actuarial demonstration with the initial filing for approval demonstrating such incidental compliance.

(b) The acceleration is considered incidental if the value of the accelerated benefit is less than 10 percent of the total value of the benefits provided by the life insurance coverage. These values shall be measured as: ~~a. The present values of the benefits determined as of the date of issue, determined according to the formula (NSP2-NSP1)/NSP1, applied over a range of underwriting classes and plans at which the benefit is being made available, is not in any case greater than 10%, where;~~

1. NSP1 and NSP2 are determined using an effective annual interest rate of 6%.

2. NSP1 is the net single premium for the base policy benefits assuming there is no accelerated death benefit.

3. NSP2 is the net single premium for the base policy benefits assuming that the full death benefit is paid at time of death or the occurrence of the non-death accelerated death benefit trigger.

~~b. The relationship between the premiums if the premiums are separable and fixed at issue.~~

(c) If a separate premium or cost of insurance (COI) charge is the only charge being charged for the accelerated benefit provided, the ratio of the present value of the accelerated benefit premiums or COI charges over the life of the policy to the present value of the policy premiums or COI charges exclusive of any riders, does not exceed 10%, the present values shall be determined using an effective annual interest rate of 6%.

(d) Upon request of the Office, the insurer shall provide an actuarial demonstration that the accelerated death benefit continues to meet these standards. If it is determined that the accelerated death benefit fails to comply with these standards, the provisions of these rules shall apply.

Specific Authority 624.308(1), 627.410(6)(b) FS. Law Implemented 624.307(1), 627.402, 627.410(1), (2), (6), (7), 627.411(1)(e), (2), 627.6515(2)(a), 627.6699 FS. History—New 7-1-85, Formerly 4-58.02, 4-58.002, Amended 4-18-94, 4-9-95, 10-27-02, Formerly 4-149.002, Amended 5-18-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Monica Rutkowski, Director, Life and Health Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2007

Section III Notices of Changes, Corrections and Withdrawals

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

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. 49, December 8, 2006 issue of the Florida Administrative Weekly.

This is the second notice of change on the proposed rule. The first Notice of Change was published in Volume 33, Number 9, March 2, 2007, issue of the Florida Administrative Weekly. These changes are in response to written comments received before the public hearing. The rule incorporates by reference the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients, January 2007. The following procedure codes were added to the fee schedule: E2601, E2602, E2603, E2604, E2605, E2606, E2607, E2608, E2611, E2612, E2613, E2614, E2615, E2616, E2618, and E2619.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.:	RULE TITLES:
59G-4.190	Independent Laboratory Services
59G-4.230	Physician Services

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. 51, December 22, 2006 issue of the Florida Administrative Weekly.

These changes are in response to comments received from the Joint Administrative Procedures Committee and comments received at the public hearing. On 2-11-07, Rule 59G-4.230

was amended to incorporate by reference the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2007. We corrected the rule text to reflect this amendment will incorporate by reference update January 2007 to the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2007. We also corrected the last sentence of the rule text to state papercopies of the handbooks may be obtained by calling Provider Enrollment, not Provider Inquiry.

The amendment to Rule 59G-4.190, Independent Laboratory Services, incorporates by reference update January 2007 to the Florida Medicaid Independent Laboratory Coverage and Limitations Handbook. The following changes were made to the handbook.

On Page 2-5, we replaced Preconception Genetic Carrier Screening Laboratory Testing Covered Services and Prenatal Genetic Carrier Screening Laboratory Testing Covered Services with the following:

"Covered Services: Medicaid reimburses for preconception and prenatal genetic carrier screening laboratory tests that are accepted by the American College of Medical Genetics and that can be billed using Healthcare Common Procedure Coding System (HCPCS) procedure codes. The laboratory testing method must be considered to be a proven method for the identification of a genetically-linked inheritable disease (i.e., the genotypes to be detected by a genetic test must be shown by scientifically valid methods to be associated with the occurrence of a disease, and the observations must be independently replicated and subject to peer review)."

"Service Requirements: Preconception and prenatal genetic carrier screening laboratory tests must be ordered by a licensed healthcare practitioner authorized within the scope of his practice to order genetic carrier screening laboratory tests. The laboratory must maintain requests for the specific laboratory tests on file with copies of the report of the test results. The recipient must be eligible for Medicaid on the date of service."

Under DNA-Based Preconception and Prenatal Genetic Laboratory Services Limitations, we deleted the reference to the specific molecular diagnostic codes (83890-83912) and "up to a maximum of six probes of primer pairs per recipient."

On Page 2-6, we deleted Documentation Required for Preconception or Prenatal Genetic Carrier Screening Laboratory Testing, Preconception or Prenatal Genetic Carrier Screening Laboratory Testing Genetic Carrier Screening Services Exclusions, Accepted Clinical Laboratory Methods for Preconception or Prenatal Genetic Carrier Screenings. We repaginated the pages so that Limitations will begin on Page 2-6.