

contacting: Michelle Brewer, Business Development and Market Research, Office of Insurance Regulation, E-mail michelle.brewer@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michelle Brewer, Business Development and Market Research, Office of Insurance Regulation, E-mail: michelle.brewer@fldfs.com. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

#### **FINANCIAL SERVICES COMMISSION**

##### **OIR – Insurance Regulation**

RULE NO.: 690-138.005  
 RULE TITLE: Examination of Insurers  
 PURPOSE AND EFFECT: To set forth procedures for examinations performed by non employees.  
 SUBJECT AREA TO BE ADDRESSED: Insurer examinations.

SPECIFIC AUTHORITY: 624.316 FS.

LAW IMPLEMENTED: 624.316 (2)(e) FS.

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

DATE AND TIME: August 14, 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 days before the workshop/meeting by contacting: Claude Mueller, Office of Insurance Regulation, E-mail claud.mueller@fldfs.com If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Claude Mueller, Office of Insurance Regulation, E-mail: claud.mueller@fldfs.com.

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

## **Section II Proposed Rules**

### **DEPARTMENT OF STATE**

#### **Division of Elections**

RULE NO.: 1S-2.034  
 RULE TITLE: Polling Place Procedures Manual  
 PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to revise the polling place procedures manual (that is incorporated by reference) to reflect changes regarding election procedures at the polls as set forth in chapter law 2007-30, Laws of Florida. The proposed manual provides guidance to election officials and poll workers on voting activities. The manual is used both for voting and election administration activities during the early voting period and on election day. The proposed revisions to the manual includes clarification on the set up of accessible voting equipment, photography, exit polling exception to the no-solicitation provision, elimination of an employee's badge and a buyer's card to satisfy the identification requirements at the polls, proper precinct for voting, the timeframe in which a provisional ballot voter has to present evidence of eligibility, and touch screen devices with optical scan ballot marking and printing capability. Reformatting changes are also made.

SUMMARY: The amendments are made to Form DS-DE #11, entitled "The Polling Place Procedures Manual," which is incorporated by reference in the rule. The changes conform the manual to recent legislative changes affecting voting and election procedures at the polls on election day and during the early voting period.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 20.10, 97.012, 102.014(5) FS.

LAW IMPLEMENTED: 102.014(5) FS.

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

DATE AND TIME: Monday, August 20, 2007, 2:00 p.m.

PLACE: Florida Heritage Hall, Plaza Level, R.A. Gray Building, 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 hours before the workshop/meeting by contacting: Maria I. Matthews, Assistant General Counsel. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria I. Matthews, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

Copies of the proposed rule and the draft Forms DS DE #11 are also available for viewing and downloading off the Division of Elections' website at: <http://election.dos.state.fl.us/index.html> or by contacting the above-named person at (850)245-6536. Copies of the proposed rule are also available by contacting the Division of Elections at 1(850)245-6536, or by accessing online from the Division of Elections' rules webpage at: <http://election.dos.state.fl.us/index.html> or through the Department of State's E-rulemaking program at: [www.flrules.org](http://www.flrules.org). Comments regarding the rule may also be submitted online via the E-rulemaking program.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

**1S-2.034 Polling Place Procedures Manual.**

The Department of State, Division of Elections, is required to establish a polling place procedures manual to guide election officials and poll workers in the proper implementation of election procedures and laws. Form DS-DE 11 (eff. ~~01/06~~), entitled "Polling Place Procedures Manual," is hereby incorporated by reference and available from the Division of Elections, R. A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, by contact at (850)245-6200, or by download from the Division of Elections' rules webpage at: <http://election.dos.state.fl.us/index.html>.

Specific Authority 20.10(3), 102.014(5) FS. Law Implemented 102.014(5) FS. History--New 7-4-02, Amended 1-25-04, 3-16-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarah Jane Bradshaw, Assistant Director of Division of Elections

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Tuck, Director, Division of Elections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2007

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.: 1S-2.037                      RULE TITLE: Provisional Ballots

PURPOSE AND EFFECT: The purpose of the proposed amendment is to conform the rule to the change made recently by the Florida Legislature through the enactment of chapter 2007-30, Laws of Florida, that reduced the number of days from 3 days to 2 days in which provisional ballot voters have to

submit to the supervisor of elections written evidence supporting their eligibility to vote before their provisional ballot can be counted. This requirement does not apply to a provisional ballot voter who voted a provisional ballot because he or she did not have the proper identification. Such provisional ballot voter is not required to provide written evidence of his or her eligibility to the supervisor of elections. In such cases, the ballot will be counted if the signature on the Provisional Ballot Voter's Certification and Affirmation matches the signature in the person's voter registration record.

SUMMARY: The proposed rule amendment conforms the rule regarding provisional ballot voters to a recent legislative change in the Florida Election Code. No changes are required for the forms incorporated by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 20.10(3), 97.012, 101.048 FS.

LAW IMPLEMENTED: 97.053(6), 101.43, 101.048, 101.049, 101.111 FS.

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

DATE AND TIME: Monday, August 20, 2007, 2:00 p.m.

PLACE: Florida Heritage Hall, Plaza Level, R.A. Gray Building, 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: Maria I. Matthews, Assistant General Counsel. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria I. Matthews, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

Copies of the proposed rule are also available for viewing and downloading off the Division of Elections' website at: <http://election.dos.state.fl.us/index.html> or by contacting the above-named person at (850)245-6536. Copies of the proposed rule are also available by contacting the Division of Elections at (850)245-6536, or by accessing online from the Division of Elections' rules webpage at: <http://election.dos.state.fl.us/index.html> or through the Department of State's E-rulemaking program at: [www.flrules.org](http://www.flrules.org). Comments regarding the rule may also be submitted online via the E-rulemaking program.

## THE FULL TEXT OF THE PROPOSED RULE IS:

## 1S-2.037 Provisional Ballots.

(1) Notice of Rights to Provisional Ballot Voters. Written instructions are to be provided to each person who casts a provisional ballot and shall be entitled "Notice of Rights to Provisional Ballot Voters." The instructions shall contain:

(a) Information on how to access the respective county supervisor of election's free access system and the information the voter will need to provide to obtain information on whether his or her provisional ballot was counted, and if not, the reason it was not counted.

(b) The statement "If this is a primary election, you should contact the supervisor of elections' office immediately to confirm that you are registered and can vote in the general election."

(c) The statement "You may provide written evidence supporting your eligibility to vote to the Supervisor of Elections at (provide address of the Supervisor) by no later than 5:00 p.m. of the ~~third~~ second day following the election."

(d) The statement "If you voted a provisional ballot because you did not have the proper identification, your ballot will be counted if your signature on the provisional ballot Voter's Certificate and Affirmation matches the signature on your registration record and if you voted in the proper precinct. You will not need to provide further written evidence to the Supervisor of Elections."

(2) Forms for Certificates and Affirmations. The Department of State, Division of Elections, is required to establish forms for Provisional Ballot Certificates and Affirmations to be used statewide. Subject to the exception in subsection (3), provisional ballot certificates and affirmations shall be substantially in accordance with Form DS DE 49 OS (Eff. 01/06), entitled "Optical Scan, Provisional Ballot Voter's Certificate and Affirmation"; Form DS DE 49 OS/TS (eff. 01/06), entitled "Touch Screen, Provisional Ballot Voter's Certificate and Affirmation"; or Form DS DE 49 OT (eff. 01/06), entitled "Optical Scan/Touchscreen, Provisional Ballot Voter's Certificate and Affirmation". All forms under this rule are hereby incorporated by reference. Copies of the forms may be obtained from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, from the Division of Elections website at: <http://election.dos.state.fl.us>, or by contacting the Division of Elections at (850)245-6200.

(3) Exception. In order to ensure the secrecy of the ballot of each provisional ballot voter, the following forms and procedures must be used and followed in all counties using the Sequoia Touch Screen Voting System:

(a) Forms. Form DS DE 50 Sequoia, entitled "Sequoia Touch Screen, Provisional Ballot Voter's Certificate and Affirmation," (eff. 06/06) shall be used as the provisional ballot envelope form, and form DS DE 50 Sequoia-A, entitled

"Provisional Ballot Identification Number Form," (eff. 06/06) shall be used to write the provisional ballot voter's identification number, in reference to the procedures in paragraphs (b) and (c).

(b) Procedures at the polls:

1. Once a determination is made that a voter needs to vote a provisional ballot, the voter is provided with the provisional ballot envelope form DS DE 50 Sequoia.

2. The voter fills out the Provisional Ballot Voter's Certificate and Affirmation using DS DE 50 Sequoia and provides it to the election official to witness.

3. The election official witnesses the voter's signature and fills out the information on the back side of the envelope indicating the reason the voter is voting a provisional ballot.

4. The election official activates the voter card and writes the provisional ballot number from the card activator on a separate form using DS DE 50 Sequoia-A.

5. The voter verifies that the provisional ballot identification number on the form matches the ballot number from the card activator display.

6. The voter places the form with the ballot identification number in the Provisional Ballot envelope and seals the envelope.

7. The voter proceeds to the touch screen voting system and votes his or her provisional ballot.

8. At the close of the polls, all completed provisional ballot envelopes are returned to the supervisor of elections.

(c) Procedures during the canvassing process:

1. The canvassing board determines the eligibility of each provisional voter.

2. For each provisional voter that is determined to be eligible, the provisional ballot envelope shall be opened and the provisional ballot number shall be separated from the envelope containing the voter's name to ensure that the voter's name and provisional ballot number cannot be connected.

3. All ballots connected to the provisional ballot numbers for eligible voters shall be tabulated according to the procedures for tabulating ballots provided by the manufacturer.

4. For each provisional voter that is determined to be ineligible, the provisional ballot envelope shall not be opened and the Provisional Ballot Identification Number shall remain sealed in the envelope.

(d) Provisional ballot procedures on election day and during the early voting period must otherwise meet all requirements of this rule.

Specific Authority 20.10(3), 97.012(1), (2), 101.048 FS. Law Implemented 97.053(6), 101.043, 101.048, 101.049, 101.111 FS. History--New 2-2-04, Amended 1-29-06, 6-1-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Sarah Jane Bradshaw, Assistant Director, Division of Elections  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Amy Tuck, Director, Division of  
Elections  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: July 18, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: June 15, 2007

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.:                   RULE TITLE:  
IS-2.040                    Statewide Uniform Voter  
                                  Registration Application

PURPOSE AND EFFECT: The primary purpose of the proposed rule amendment is to conform the content of the statewide voter registration application which is incorporated by reference in this rule to the new requirement adopted in Chapter 2007-30, Laws of Florida, which expanded the category of persons who may pre-register to vote to include any person who obtains a valid Florida driver’s license before his or her 17th birthday. The content of the application is also changed to clarify fields relating to the Florida driver’s license, political party affiliation, phone number, eligibility to register, and identification requirements.

SUMMARY: The amendments to the rule conform the content of the uniform statewide voter registration application to recent statutory changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 20.10(3), 97.012(1), 97.052 FS.

LAW IMPLEMENTED: 97.041, 97.051, 97.052, 97.053, 97.1031, 98.077, 101.045 FS.

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

DATE AND TIME: Monday, August 20, 2007, 2:00 p.m.

PLACE: Florida Heritage Hall, Plaza Level, R. A. Gray Building, 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: Maria I. Matthews, Assistant General Counsel. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria I. Matthews, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

Copies of the proposed rule and the form incorporated by reference DS-DE # 39 are also available for viewing and downloading off the Division of Elections’ website at: <http://election.dos.state.fl.us/index.html> or by contacting the above-named person at (850)245-6536. Copies of the proposed rule are also available by contacting the Division of Elections at (850)245-6536, or by accessing online from the Division of Elections’ rules webpage at: <http://election.dos.state.fl.us/index.html> or through the Department of State’s E-rulemaking program at: [www.flrules.org](http://www.flrules.org). Comments regarding the rule may also be submitted online via the E-rulemaking program.

THE FULL TEXT OF THE PROPOSED RULE IS:

IS-2.040 Statewide Uniform Voter Registration Application.

The Department of State, Division of Elections, is required to adopt by rule a uniform statewide voter registration application for use in this state. Form DS-DE 39, entitled “Florida Voter Registration Application” (~~eff. \_\_\_\_\_~~) ~~rev. 01/06~~, is hereby incorporated by reference. This application is available by request from the Division at Room 316, R. A. Gray Building, Tallahassee, Florida 32399-0250 or by contacting the Division of Elections at (850)245-6200, by download from the Division of Elections’ website at: <http://election.dos.state.fl.us/index.html>, or by contacting any supervisor of elections’ office.

Specific Authority 20.10, 97.012(1), (2), 97.052 FS. Law Implemented 97.051, 97.052, 97.053, 97.1031, 98.077, 101.045(2) FS. History—New 11-29-05, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Sarah Jane Bradshaw, Assistant Director of Division of  
Elections

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Amy Tuck, Director, Division of  
Elections

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: July 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: June 15, 2007

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE NO.:                   RULE TITLE:  
9B-3.047                    State Building Code Adopted

PURPOSE AND EFFECT: Adoption of the 2007 edition of the Florida Building Code.

**SUMMARY:** The rule is amended to complete the second triennial update of the Florida.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** 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:** 553.73(1), (2), (7) FS.

**LAW IMPLEMENTED:** 553.72, 553.73(2), (3), (7), (9) FS.

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

**DATE AND TIME:** August 21, 2007, 1:00 p.m., or as soon thereafter as the matter comes before the Commission pursuant to its agenda

**PLACE:** Embassy Suites Tampa – USF, 3705 Spectrum Boulevard, Tampa, Florida 33612-9412

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 hours before the workshop/meeting by contacting: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. 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:** Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

**THE FULL TEXT OF THE PROPOSED RULE IS:**

9B-3.047 State Building Code Adopted.

(1) The Florida Building Code, 2007 edition, as updated by the Florida Building Commission ~~on July 1, 2005, and as amended by the Commission on December 11, 2005, December 8, 2006, and May 21, 2007~~, incorporated herein by reference is hereby adopted as the building code for the State of Florida.

The proposed effective date is October 1, 2008.

Specific Authority 553.73(1), (2), (7) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida. Law Implemented 553.72, 553.73(2), (3), (7), (9) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida. History–New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 12-16-01, 6-30-03, 4-3-05, 12-11-05, 12-8-06, 10-1-08.

**NOTE:** The full text of modifications and amendments approved by the Commission, together with the applicable procedural history and comments, are available at [www.floridabuilding.org](http://www.floridabuilding.org), or by contacting the Codes and Standards Unit at (850)487-1824.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Mo Madani, Planning Manager, Department of Community Affairs

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** June 27, 2007

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** June 27, 2007

## **DEPARTMENT OF COMMUNITY AFFAIRS**

### **Division of Housing and Community Development**

**RULE NO.:** RULE TITLE:

9B-3.0472 Carbon Monoxide Detection

**PURPOSE AND EFFECT:** To provide requirements for carbon monoxide detectors in certain buildings for which application is made for the initial building permit after July 1, 2008.

Requirements for Carbon Monoxide Detection in buildings.

**SUMMARY:** The rule implements Chapter 2007-181, Laws of Florida and requires that new construction that exhibits certain features include an alarm that will alert any inhabitants to unsafe levels of carbon monoxide. Power for the alarms is required to be the primary power source for the subject building and a battery back-up in the event that the primary power source fails.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** 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:** 553.885(2) FS.

**LAW IMPLEMENTED:** 553.72, 553.73(2), (3), (7), (9), 553.885(2) FS.

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

**DATE AND TIME:** August 21, 2007, 1:00 p.m., or as soon thereafter as the matter comes before the Commission pursuant to its agenda

**PLACE:** Embassy Suites Tampa – USF, 3705 Spectrum Boulevard, Tampa, Florida 33612-9412

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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. 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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.0472 Carbon Monoxide Protection.

(1) Definitions: For purposes of this rule, the following definitions shall apply:

(a) CARBON MONOXIDE ALARM. A device for the purpose of detecting carbon monoxide, that produces a distinct audible alarm, and is listed or labeled with the appropriate standard, either ANSI/UL 2034-96, Standard for Single and Multiple Station CO Alarms, or UL 2075-04, Gas and Vapor Detector Sensor, in accordance with its application.

(b) FOSSIL FUEL. Coal, kerosene, oil, fuel gases, or other petroleum or hydrocarbon product that emits carbon monoxide as a by-product of combustion.

(2) Every building having a fossil-fuel-burning heater or appliance, a fireplace, or an attached garage shall have an operational carbon monoxide alarm installed within 10 feet of each room used for sleeping purposes.

(3) In new construction, alarms shall receive their primary power from the building wiring when such wiring is served from the local power utility. Such alarms shall have battery back up.

(4) Combination smoke/carbon monoxide alarms shall be listed or labeled by a Nationally Recognized Testing Laboratory.

Specific Authority 553.885(2) FS. Law Implemented 553.72, 553.73(2), (3), (7), (9), 553.885(2) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2007

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE NO.: 9B-3.0475 RULE TITLE: Mitigation Retrofits Required

PURPOSE AND EFFECT: Identify and develop cost effective means to incorporate mitigation related elements in existing buildings that are subject to permitted work.

SUMMARY: The rule adopts by reference a manual that provides prescriptive means to incorporate gable end bracing and enhanced roof to wall connections in existing buildings. The manual also specifies the circumstances in which shutters, enhanced roof to wall connections, and secondary water barriers are required as an element of permitted work as directed by the Legislature.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 553.844(3) FS.

LAW IMPLEMENTED: 553.72, 553.73(2), (3), (7), (9), 553.844(3) FS.

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

DATE AND TIME: August 21, 2007, 1:00 p.m., or as soon thereafter as the matter comes before the Commission pursuant to its agenda

PLACE: Embassy Suites Tampa – USF, 3705 Spectrum Boulevard, Tampa, Florida 33612-9412

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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.0475 Mitigation Retrofits Required.

The 2007 Manual of Hurricane Mitigation Retrofits for Existing Site-Built Single Family Residential Structures is hereby adopted by reference. The manual provides requirements for construction in addition to those contained in the Florida Building Code as adopted by Rule 9B-3.047, F.A.C., that shall be enforced as provided in the manual and as required by Section 553.844, Florida Statutes. A copy of the manual may be obtained from the Florida Building Commission’s website, www.floridabuilding.org. If any person encounters any difficulty utilizing the website, assistance is available by calling the Codes and Standards Unit at (850)4871824.

Specific Authority 553.844(3) FS. Law Implemented 553.72 FS, 553.73(2), (3), (7), (9), 553.844(3) FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2007

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE NO.: 9B-3.0477                      RULE TITLE: Electrical Bonding of Pools

PURPOSE AND EFFECT: To adopt an alternative means for electrical bonding of swimming pools than that provided in the 2005 edition of the National Electrical Code.

SUMMARY: The rule allows electrical bonding of swimming pools constructed in Florida in a manner consistent with the Draft edition of the 2008 National Electrical Code. Specifically, a single, 8AWG wire may be utilized in lieu of the copper bonding grid currently required under identified conditions and circumstances. The method adequately provides for safety and costs significantly less than the copper bonding grid.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: s. 1, Chapter 2007-187, Laws of Florida.

LAW IMPLEMENTED: 553.72, 553.73(2), 553.73(3), 553.73(7), 553.73(9) FS., s. 1, Chapter 2007-187, Laws of Florida.

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

DATE AND TIME: August 21, 2007, 1:00 p.m., or as soon thereafter as the matter comes before the Commission pursuant to its agenda

PLACE: Embassy Suites Tampa – USF, 3705 Spectrum Boulevard, Tampa, Florida 33612-0412

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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. 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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.0477 Electrical Bonding of Pools.

National Fire Protection Association [NFPA] 70-05: National Electric Code, Article 680 (Swimming Pools, Fountains, and Similar Installation), Section 680.26, Equipotential Bonding, as adopted within Chapter 27 of the Florida Building Code, Building Volume; and to NFPA 70A-05: National Electric Code, Article 680 (Swimming Pools, Fountains, and Similar Installation), Section 680.26, Equipotential Bonding, adopted within Chapter 33 of the Florida Building Code, Residential Volume, define bonding requirements for swimming pools constructed in the State. In response to legislative direction, the Florida Building Commission has adapted the draft 2008 National Electrical Code requirements for immediate use as set forth below. As an alternative to the requirements in the Building Code as adopted in Rule 9B-3.047, F.A.C., the following shall be permissible:

(1) Performance. The equipotential bonding required by this section shall be installed to reduce voltage gradients in the pool area.

(2) Bonded Parts. The parts specified in paragraphs (a) through (g) hereof shall be bonded together using solid copper conductors, insulated covered, or bare, not smaller than 8 AWG or with rigid metal conduit of brass or other identified

corrosion-resistant metal. Connections to bonded parts shall be made in accordance with Section 250.8 of the National Electrical Code as adopted within the Florida Building Code. An 8 AWG or larger solid copper bonding conductor provided to reduce voltage gradients in the pool area shall not be required to be extended or attached to any remote panelboard, to service equipment, or electrodes.

(a) Conductive Pool Shells. Bonding to conductive pool shells shall be provided as specified in subparagraphs 1. or 2. hereof. Poured concrete, pneumatically applied or sprayed concrete, and concrete block with painted or plastered coating shall all be considered conductive materials due to water permeability and porosity. Vinyl liners and fiberglass composite shells shall be considered to be non-conductive materials.

1. Structural Reinforcing Steel. Unencapsulated structural reinforcing steel shall be bonded together by steel tie wires or the equivalent. Where structural reinforcing steel is encapsulated in a nonconductive compound, a copper conductor grid shall be installed in accordance with subparagraph 2.

2. Copper Conductor Grid. A copper conductor grid shall be provided and shall comply with the following conditions:

a. Be constructed of minimum 8 AWG bare solid copper conductors bonded to each other at all points of crossing.

b. Conform to the contour of the pool and the pool deck.

c. Be arranged in a 300 mm (12 in.) by 300 mm (12 in.) network of conductors in a uniformly spaced perpendicular grid pattern with a tolerance of 100 mm (4 in.).

d. Be secured within or under the pool no more than 150 mm (6 in.) from the outer contour of the pool shell.

(b) Perimeter Surfaces. The perimeter surface shall extend for 1 m (3 ft) horizontally beyond the inside walls of the pool and shall include unpaved surfaces as well as poured concrete and other types of paving. Bonding to perimeter surfaces shall be provided as specified in subparagraph 1. or 2. hereof, and shall be attached to the pool reinforcing steel or copper conductor grid at a minimum of four (4) points uniformly spaced around the perimeter of the pool. For non-conductive pool shells, bonding at four points shall not be required.

1. Structural Reinforcing Steel. Structural reinforcing steel shall be bonded in accordance with subparagraph (2)(a)1.

2. Alternate Means. Where structural reinforcing steel is not available or is encapsulated in a nonconductive compound, copper conductor(s) shall be utilized where the following conditions are met:

a. At least one minimum 8 AWG bare solid copper conductor shall be provided.

b. The conductor(s) shall follow the contour of the perimeter surface.

c. Only listed splices shall be permitted.

d. The required conductor shall be 450 to 600 mm (18 to 24 in.) from the inside walls of the pool.

e. The required conductor shall be secured within or under the perimeter surface 100 to 150 mm (4 to 6 in.) below the subgrade.

(c) Metallic Components. All metallic parts of the pool structure, including reinforcing metal not addressed in subparagraph (2)(a)1., shall be bonded. Where reinforcing steel is encapsulated with a nonconductive compound, the reinforcing steel shall not be required to be bonded.

(d) Underwater Lighting. All metal forming shells and mounting brackets of no-niche luminaires shall be bonded except that listed low-voltage lighting systems with nonmetallic forming shells shall not require bonding.

(e) Metal Fittings. All metal fittings within or attached to the pool structure shall be bonded. Isolated parts that are not over 100 mm (4 in.) in any dimension and do not penetrate into the pool structure more than 25 mm (1 in.) shall not require bonding.

(f) Electrical Equipment. Metal parts of electrical equipment associated with the pool water circulating system, including pump motors and metal parts of equipment associated with pool covers, including electric motors, shall be bonded except that metal parts of listed equipment incorporating an approved system of double insulation shall not be bonded.

1. Double-Insulated Water Pump Motors. Where a double-insulated water-pump motor is installed under the provisions of this rule, a solid 8 AWG copper conductor of sufficient length to make a bonding connection to a replacement motor shall be extended from the bonding grid to an accessible point in the vicinity of the pool pump motor. Where there is no connection between the swimming pool bonding grid and the equipment grounding system for the premises, this bonding conductor shall be connected.

2. Pool Water Heaters. For pool water heaters rated at more than 50 amperes and having specific instructions regarding bonding and grounding, only those parts designated to be bonded shall be bonded and only those parts designated to be grounded shall be grounded.

(g) Metal Wiring Methods and Equipment. Metal-sheathed cables and raceways, metal piping, and all fixed metal parts shall be bonded except:

1. Those separated from the pool by a permanent barrier shall not be required to be bonded.

2. Those greater than 1.5 m (5 ft) horizontally of the inside walls of the pool shall not be required to be bonded.

3. Those greater than 3.7 m (12 ft) measured vertically above the maximum water level of the pool, or as measured vertically above any observation stands, towers, or platforms, or any diving structures shall not be required to be bonded.



(3) Pool Water. An intentional bond of a minimum conductive surface area of 5806 square mm (9 square in ) shall be installed in contact with the pool water. This bond shall be permitted to consist of parts that are required to be bonded in (2).

Specific Authority s. 1, Chapter 2007-187, Laws of Florida. Law Implemented 553.72 FS. 553.73(2), 553.73(3), 553.73(7), 553.73(9) FS., s. 1, Chapter 2007-187, Laws of Florida. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2007

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE NO.: RULE TITLE:

9B-7.003 Procedures

PURPOSE AND EFFECT: To update or correct referenced topics identified by the Florida Building Commission’s Advisory Committee.

SUMMARY: A Notice of Proposed Rule Development for Rules 9B-7.003 and 9B-7.0042, F.A.C., appeared in the March 9, 2007, edition of the Florida Administrative Weekly. The purpose of this rule amendment is to update the form adopted for submission of a waiver request, address accessible parking within the Accessibility Code for Building Construction, and make a correction pertaining to ramp width within the Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 553.512(1) FS.

LAW IMPLEMENTED: 553.512(1) FS.

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

DATE AND TIME: August 21, 2007, 1:00 p.m., or as soon thereafter as the matter comes before the Commission pursuant to its agenda

PLACE: Embassy Suites Tampa – USF, 3705 Spectrum Boulevard, Tampa, Florida 33612-9412

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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824. 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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-7.003 Procedures.

(1) All applications for a waiver or modification of the requirements of the Act or the Code shall be filed on the Request for Waiver, Forms No. 2001-01 and 2001-02, which the Commission hereby incorporates by reference, effective ~~January 20, 2002~~. Copies of Forms No. 2002-01 and 2001-02 are available by writing to the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Upon certification from an applicant that all information requested by these rules has been furnished, the request will be scheduled for consideration at the Commission’s next scheduled meeting provided that at least 14 days notice can be given to the members of the Advisory Council.

(2) through (7) No change.

Specific Authority 553.512(1) FS. Law Implemented 553.512(1) FS. History–New 1-31-79, Formerly 9B-7.03, Amended 10-1-96, 9-14-97, 9-7-00, 1-20-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development, Department of Community A

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
9B-74.010	Definitions
9B-74.020	Administration and Fees
9B-74.030	Plans Review and Approval
9B-74.040	Applicable Standards
9B-74.050	Challenges to Plans Approval

**PURPOSE AND EFFECT:** To repeal the rule relating to prototype plan approval.

**SUMMARY:** In 2002, this rule was developed pursuant to the discretionary authority conferred by the legislature in Section 553.77(5), Florida Statutes. Unfortunately, the market has not evolved for the services specified in the rule and the contractor that had performed the functions specified by the rule since the programs inception has withdrawn and no new contractor has come forward in response to repeated Requests for Proposals.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** 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:** 553.77(5) FS.

**LAW IMPLEMENTED:** 553.77(5) FS.

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

**DATE AND TIME:** August 21, 2007, 1:00 p.m., or as soon thereafter as the matter comes before the Commission pursuant to its agenda

**PLACE:** Embassy Suites Tampa – USF, 3705 Spectrum Boulevard, Tampa, Florida 33612-0412

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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

**THE FULL TEXT OF THE PROPOSED RULES IS:**

9B-74.010 Definitions.

Specific Authority 553.77(5) FS. Law Implemented 553.77(5) FS. History–New 5-2-02, Amended 1-20-03, Repealed.

9B-74.020 Administration and Fees.

Specific Authority 553.77(5) FS. Law Implemented 553.77(5) FS. History–New 5-2-02, Amended 1-20-03, Repealed.

9B-74.030 Plans Review and Approval.

Specific Authority 553.77(5) FS. Law Implemented 553.77(5) FS. History–New 5-2-02, Amended 1-20-03, Repealed.

9B-74.040 Applicable Standards.

Specific Authority 553.77(5) FS. Law Implemented 553.77(5) FS. History–New 5-2-02, Repealed.

9B-74.050 Challenges to Plans Approval.

Specific Authority 553.77(5) FS. Law Implemented 553.77(5) FS. History–New 5-2-02, Repealed.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Janice Browning, Director, Division of Housing and Community Development

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** June 26, 2007

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** June 8, 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.”

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40D-2.091	Publications Incorporated by Reference
40D-2.801	Water – Use Caution Areas

**PURPOSE AND EFFECT:** The District proposes to expand the existing boundaries of the Northern Tampa Bay Water Use Caution Area to include all of Pasco County and those portions of Hillsborough County north of State Road 60 that are not presently within the Water Use Caution Area. The effect will be to extend to this region the regulatory requirements

applicable within the Northern Tampa Bay Water Use Caution Area, to reduce water demands, improve water conservation and ameliorate environmental impacts in the area.

SUMMARY: In 1989, the District declared portions of northern Hillsborough and southwestern Pasco counties and all of Pinellas County a Water Use Caution Area, known as the Northern Tampa Bay Water Use Caution Area (NTBWUCA), to address groundwater withdrawals that had resulted in lowered lake levels, destruction and deterioration of wetlands, streamflow reductions and salt water intrusion into the aquifer. The boundaries of the NTBWUCA were initially limited to this region because regulations adopted to address these impacts focused primarily on reducing water demands in the most heavily populated areas. Since then, population and water demands in the remaining northern portions of Hillsborough and Pasco counties have grown significantly. Therefore, District seeks to expand the NTBWUCA regulations to these remaining areas. Section 7.3 of the District’s Water Use Permit Information Manual Part B, “Basis of Review” and subsection 40D-2.801(3), F.A.C. are amended to revise the geographic boundary of the NTBWUCA. Rule 40D-2.091, F.A.C. is amended to incorporate by reference the effective date of the amendments to the “Basis of Review.”

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

- (1) “Water Use Permit Information Manual Part B.” “Basis of Review (\_\_\_\_\_) for Water Use Permit Applications” (1/07);
- (2) through (6) No change.

PROPOSED EFFECTIVE DATE: 10-1-07.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 10-1-07.

40D-2.801 Water – Use Caution Areas.

(1) through (2) No change.

(3) No change.

(a) Northern Tampa Bay Water – Use Caution Area. To address ground water withdrawals that have resulted in lowering of lake levels, destruction or deterioration of wetlands, reduction in streamflow, and salt water intrusion, the Governing Board declared portions of northern Hillsborough County, southwestern Pasco County, and all of Pinellas County Counties a Water – Use Caution Area on June 28, 1989, pursuant to Resolution Number 934. The Governing Board approved expansion of the boundaries of the Water Use Caution Area in June 2007.

1. The boundary for the Northern Tampa Bay Water – Use Caution Area is as follows:

All of Pinellas County;

All of Pasco County;

~~That portion of Pasco County within the following sections:~~

~~Township 24S, Range 16E: All Sections;~~

~~Township 25S, Range 16E: All Sections;~~

~~Township 25S, Range 17E: All Sections;~~

~~Township 26S, Range 14E: All Sections;~~

~~Township 26S, Range 15E: All Sections;~~

~~Township 26S, Range 16E: All Sections;~~

~~Township 26S, Range 17E: All Sections;~~

~~Township 26S, Range 18E: All Sections;~~

~~Township 26S, Range 19E: All Sections;~~

~~Township 26S, Range 20E: All Sections; and~~

That portion of Hillsborough County within the following sections (all Townships are South; all Ranges are East):

Township 27S, Range 17E: All Sections;

Township 27S, Range 18E: All Sections;

Township 27S, Range 19E: All Sections;

Township 27S, Range 20E: All Sections;

Township 27, Range 21: All Sections;

Township 27, Range 22: All Sections;

Township 28S, Range 17E: All Sections;

Township 28S, Range 18E: All Sections;

Township 28S, Range 19E: All Sections;

Township 28S, Range 20E: All Sections;

- Township 28S, Range 21E: All Sections;
- Township 28S, Range 22E: All Sections;
- Township 29S, Range 17E: All Sections;
- Township 29S, Range 18E: All Sections;
- Township 30S, Range 17E: All Sections;
- Township 30S, Range 18E: All Sections;
- Township 29S, Range 22E: All Sections North of State Road 60;
- Township 29S, Range 21E: All Sections North of State Road 60;
- Township 29S, Range 20E: All Sections North of State Road 60;
- Township 29S, Range 19E: All Sections except 22-27 and 34-36.
- 2. through 3. No change.
- 4. The Northern Tampa Bay Water Use Caution Area is a water resource caution area for purposes of Chapter 403, F.S., and Chapter 62-40, F.A.C.

(b) No change.

PROPOSED EFFECTIVE DATE: 10-1-07.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0395, 373.042, 373.0421, 373.171, 373.216, 373.219, 373.223 FS. History—Readopted 10-5-74, Formerly 16J-3.30, Amended 10-1-89, 11-15-90, 3-1-91, 7-29-93, 1-1-03, 1-1-07, 10-1-07.

Water Use Permit Information Manual Part B, Basis of Review

7.3 NORTHERN TAMPA BAY WATER USE CAUTION AREA

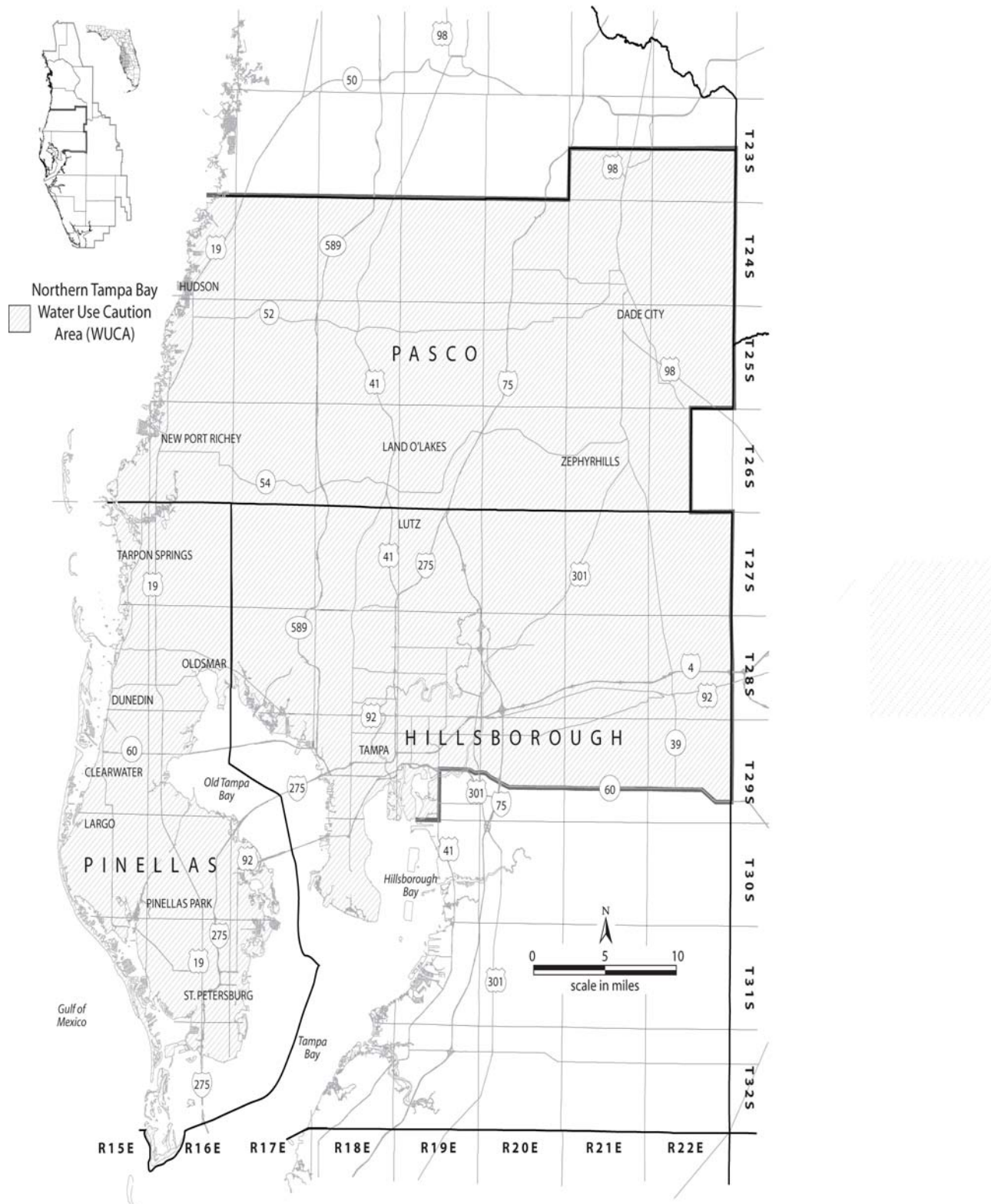
The Governing Board originally declared portions of Hillsborough, and Pasco Counties, and all of Pinellas County Counties a Water Use Caution Area (WUCA) on June 28, 1989. The Governing Board approved expansion of the boundaries of the Water Use Caution Area in June 2007. The area designated is shown in Figure 7.3-1; the legal description is provided in paragraph 40D-2.801(3)(a)(~~e~~), F.A.C. As of the effective date of this rule, all existing water use permits within the Water Use Caution Area are modified to incorporate the applicable measures and conditions described below. Valid permits, legally in effect as of the effective date of this rule, are hereafter referred to as existing permits. Existing permits within those portions of the Water Use Caution Area added in 2007 shall have until July 1, 2008 to comply with the provisions of this rule. Applicable permit conditions, as specified below, are incorporated into all existing water use permits in the Water Use Caution Area and shall be placed on new permits issued for withdrawals located within the Aarea. However, both the language and the application of any permit conditions listed may be modified when appropriate.

These portions of the Basis of Review for the Northern Tampa Bay Water Use Caution Area are intended to supplement the other provisions of the Basis of Review and are not intended to supersede or replace them. If there is a conflict between requirements, the more stringent provision shall prevail.

- 1. through 8. No change.

Fig.7.3-1 (revised to show new boundary)

Figure 7.3-1



PROPOSED EFFECTIVE DATE: October 1, 2007

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Martha A. Moore, Senior Attorney, Office of General Counsel,  
 2379 Broad Street, Brooksville, FL 34604-6899,  
 (352)796-7211, extension 4651  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Southwest Florida Water  
 Management District Governing Board  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: June 26, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: July 13, 2007

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.: 40E-1.607  
 RULE TITLE: Permit Application Processing Fees  
 PURPOSE AND EFFECT: To update the fee schedule to  
 reference Chapter 18-21, F.A.C., the Department of  
 Environmental Protection's fee schedule for proprietary  
 authorizations under Chapters 253 and 258, F.S.  
 SUMMARY: The proposed rule amendment references  
 Chapter 18-21, F.A.C., the Department of Environmental  
 Protection's fee schedule for proprietary authorizations under  
 Chapters 253 and 258, F.S.  
 SUMMARY OF STATEMENT OF ESTIMATED  
 REGULATORY COSTS: 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: 373.109 FS.  
 LAW IMPLEMENTED: 373.109, 373.421(6)(b), 403.201 FS.  
 A HEARING WILL BE HELD AT THE DATE, TIME AND  
 PLACE SHOWN BELOW:

DATE AND TIME: September 13, 2007, beginning 9:00 a.m.  
 PLACE: South Florida Water Management District, 3301 Gun  
 Club Road, West Palm Beach, FL 33406  
 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: South Florida Water Management District Clerk,  
 (561)682-2087 or 1 (800)432-2045, ext. 2087. 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: Anita R. Bain, Division Director,  
 Natural Resources Management Division, South Florida Water

Management District, 3301 Gun Club Road, West Palm Beach,  
 FL 33406, 1(800)432-2045, ext. 6866 or (561)682-6866,  
 email: abain@sfwmd.gov.  
 For procedural questions contact Jan Sluth, Paralegal, South  
 Florida Water Management District, 3301 Gun Club Road,  
 West Palm Beach, FL 33406, 1(800)432-2045, ext. 6299 or  
 (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-1.607 Permit Application Processing Fees.  
 A permit application processing fee is required and shall be  
 paid to the District when certain applications are filed pursuant  
 to District rules. An application shall not be considered  
 complete until the appropriate application fee is submitted.  
 These fees are assessed in order to defray the cost of  
 evaluating, processing, monitoring, and inspecting for  
 compliance required in connection with consideration of such  
 applications. Fees are non-refundable in whole or part unless  
 the activity for which an application is filed is determined by  
 the District to be exempt or the fee submitted is determined by  
 the District to be incorrect. Failure of any person to pay the  
 applicable fees established herein will result in denial of an  
 application. Activities that do not require a permit and are  
 exempt pursuant to Rule 40E-2.051 or 40E-3.051, F.A.C., are  
 not subject to the following permit application fees. The  
 District's permit application processing fees are as follows:

Tables 40E-1.607(1) through (3) No change.

TABLE 40E-1.607(4)

PERMIT APPLICATION PROCESSING FEES FOR  
 PROPRIETARY AUTHORIZATIONS UNDER  
 CHAPTERS 253 AND 258 F.S.  
 EXCEPT CONSENT OF USE AUTHORIZATIONS

Category	Amount
Application	\$200.00

See Chapter 18-21 F.A.C. for application fees for proprietary  
 authorizations.

Tables 40E-1.607(5) through (7) No change.

Specific Authority 373.109 FS. Law Implemented 373.109,  
 373.421(6)(b), 403.201 FS. History—New 1-8-89, Amended 1-2-91,  
 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96, 11-8-99, 5-24-00,  
 6-26-02, 7-11-02, 8-10-03, 8-14-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Anita R. Bain  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: South Florida Water Management  
 District Governing Board  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: July 11, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: July 6, 2007

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.: 40E-2.091  
 RULE TITLE: Publications Incorporated by Reference

**PURPOSE AND EFFECT:** To amend Section 1.7.3.3 of the Basis of Review for Water Use Permit Applications within the South Florida Water Management District to extend the application and expiration dates for the Lake Okeechobee Basin irrigation permits.

**SUMMARY:** The proposed rule amendment will extend the application date until October 30, 2008 and the expiration date until February 28, 2009, for irrigation permits within the Lake Okeechobee Basin. The proposed extension is due to circumstances related to the current drought (including not being able to provide accurate calibration of withdrawal facilities due to low water levels or lack of water) and the pending revision of the Lake Okeechobee Regulation Schedule.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** 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:** 373.044, 373.113, 373.171 FS.

**LAW IMPLEMENTED:** 373.042, 373.0421, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239 FS.

**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:** September 13, 2007, beginning 9:00 a.m.  
**PLACE:** South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: Clerk of the South Florida Water Management District, 1(800)432-2045, ext. 2087 or (561)682-2087. 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:** Keith R. Smith, Deputy Department Director – Water Supply, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6620 or (561)682-6620, email: ksmith@sfwmd.gov. For procedural issues, contact Jan Sluth,

Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

40E-2.091 Publications Incorporated by Reference.  
 The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_April 23, 2007”, is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239 FS. History–New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, \_\_\_\_\_.

(The following represents proposed changes to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”)

**1.7.3.3 Basin Expiration and Application Dates**

A. through C. No change.

D. The following table identifies the Irrigation Permit Expiration Basins and states the applicable

**Basin Application Dates and Basin Expiration Dates.**

<u>Irrigation Permit Expiration Basin</u>	<u>Basin Application Date</u>	<u>Basin Expiration Date</u>
Palm Beach County Basin	February 28, 2007	June 30, 2007
<del>Lake Okeechobee Basin</del>	<del>June 30, 2007</del>	<del>October 30, 2007</del>
Kissimmee Basin A	October 30, 2007	February 28, 2008
Kissimmee Basin B	February 28, 2008	June 30, 2008
Kissimmee Basin C	June 30, 2008	October 30, 2008
<u>Lake Okeechobee Basin</u>	<u>October 30, 2008</u>	<u>February 28, 2009</u>

**NAME OF PERSON ORIGINATING PROPOSED RULE:**

Keith R. Smith, Deputy Department Director – Water Supply

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:**

South Florida Water Management District Governing Board

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:**

July 11, 2007

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:**

May 25, 2007

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.: 40E-20.091  
 RULE TITLE: Publications Incorporated by Reference

**PURPOSE AND EFFECT:** To amend Section 1.7.3.3 of the Basis of Review for Water Use Permit Applications within the South Florida Water Management District to extend the application and expiration dates for the Lake Okeechobee Basin irrigation permits.

SUMMARY: The proposed rule amendment will extend the application date until October 30, 2008 and the expiration date until February 28, 2009, for irrigation permits within the Lake Okeechobee Basin. The proposed extension is due to circumstances related to the current drought (including not being able to provide accurate calibration of withdrawal facilities due to low water levels or lack of water) and the pending revision of the Lake Okeechobee Regulation Schedule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.103(4), 373.118, 373.223, 373.229 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: September 13, 2007, beginning 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: Clerk of the South Florida Water Management District, 1(800)432-2045, ext. 2087 or (561)682-2087. 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: Keith R. Smith, Deputy Department Director – Water Supply, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6620 or (561)682-6620, email: ksmith@sfwmd.gov. For procedural issues, contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-20.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – ~~April 23, 2007~~” is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.223, 373.229 FS. History–New 8-14-02, Amended 8-31-03, 4-23-07, \_\_\_\_\_.

(The following represents proposed changes to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”)

1.7.3.3 Basin Expiration and Application Dates

A. through C. No change.

D. The following table identifies the Irrigation Permit Expiration Basins and states the applicable Basin Application Dates and Basin Expiration Dates.

<u>Irrigation Permit Expiration Basin</u>	<u>Basin Application Date</u>	<u>Basin Expiration Date</u>
Upper East Coast Basin A through Palm Beach County Basin		NO CHANGE
<del>Lake Okeechobee Basin</del>	<del>June 30, 2007</del>	<del>October 30, 2007</del>
Kissimmee Basin A	October 30, 2007	February 28, 2008
Kissimmee Basin B	February 28, 2008	June 30, 2008
Kissimmee Basin C	June 30, 2008	October 30, 2008
Lake Okeechobee Basin	October 30, 2008	February 28, 2009

NAME OF PERSON ORIGINATING PROPOSED RULE: Keith R. Smith, Deputy Department Director, Water Supply

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2007

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-13.080  
 RULE TITLE: Home and Community-Based Services Waivers

PURPOSE AND EFFECT: The purpose of the rule amendment to Rule 59G-13.080, F.A.C., is to incorporate by reference Update June 2007 to the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook. The handbook was updated to remove the crisis enrollment policies from Appendix F, Recipient Wait List. The crisis enrollment policies are being promulgated in new Rules 65G-1.010, 65G-1.046, and 65G-1.047, F.A.C., by the Agency for Persons with Disabilities as mandated by Section 393.065, F.S.



In the Notice of Rule Development that was published in the Florida Administrative Weekly, Vol. 32, No. 39, September 29, 2006, the update was dated September 2006. We changed the date to June 2007.

**SUMMARY:** The purpose of the rule amendment to Rule 59G-13.080, F.A.C., is to incorporate by reference Update June 2007 to the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook. The effect will be to incorporate by reference in the rule Update June 2007 to the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook.

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

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

**SPECIFIC AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED:** 409.902, 409.906, 409.908, 409.910, 409.912, 409.913 FS.

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

**DATE AND TIME:** Thursday, August 30, 2007, 1:30 p.m. – 2:30 p.m.

**PLACE:** Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Pam Kyllonen, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-9756, kyllonep@ahca.myflorida.com

**THE FULL TEXT OF THE PROPOSED RULE IS:**

59G-13.080 Home and Community-Based Services Waivers.

(1) through (11) No change.

(12) Developmental Disabilities Services Waiver – General. This rule applies to all Developmental Disabilities Services Waiver Service providers enrolled in the Medicaid program. All Developmental Disabilities Services Waiver Service providers enrolled in the Medicaid program must comply with the Florida Medicaid Developmental Disabilities Services Waiver Services Florida Medicaid Coverage and Limitations Handbook, October 2003, updated June 2007, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, which is incorporated in Rule 59G-13.001, F.A.C. October 2003. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the

handbooks may be obtained by calling the Medicaid fiscal agent at (800)377-8216. The Developmental Disabilities Waiver Services Provider Rate Table, November 2003, is incorporated by reference in Rule 59G-13.081, F.A.C. available from the Medicaid fiscal agent; and the Developmental Disabilities Waiver Services Procedure Codes are incorporated by reference in Rule 59G-13.082, F.A.C.

(13) through (15) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.908, 409.910, 409.912, 409.913 FS. History–New 4-20-82, Formerly 10C-7.527, Amended 3-22-87, 11-23-89, Formerly 10C-7.0527, Amended 1-16-96, 7-23-97, 1-6-02, 10-27-02, 6-11-03, 11-24-03, 1-16-05, 6-23-05, Formerly 59G-8.200, Amended

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Pam Kyllonen

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Andrew Agwunobi, M.D.

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** May 14, 2007

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

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

##### **Medicaid**

**RULE NOS.:**

59G-13.091

59G-13.092

**RULE TITLES:**

Family and Supported Living Waiver Provider Rate Table

Family and Supported Living Waiver Services Procedure Codes

**PURPOSE AND EFFECT:** The purpose of Rule 59G-13.091, F.A.C., is to incorporate by reference in rule the Family and Supported Living Waiver Provider Rate Table, January 2007. The effect will be to incorporate by reference in rule the Family and Supported Living Waiver Provider Rate Table, January 2007.

The purpose of Rule 59G-13.092, F.A.C., is to incorporate by reference in rule the Family and Supported Living Home and Community-Based Services Waiver Procedure Codes and Maximum Units of Service, January 2007. The effect will be to incorporate by reference in rule the Family and Supported Living Home and Community-Based Services Waiver Procedure Codes and Maximum Units of Service, January 2007.

**SUMMARY:** The purpose of Rule 59G-13.091, F.A.C., is to incorporate by reference in rule the Family and Supported Living Waiver Provider Rate Table, January 2007. The purpose of Rule 59G-13.092, F.A.C., is to incorporate by reference in rule the Family and Supported Living Home and Community-Based Services Waiver Procedure Codes and Maximum Units of Service, January 2007.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

DATE AND TIME: Monday, August 20, 2007, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Danielle Reatherford, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)414-8599, reatherd@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULES IS:

59G-13.091 Family and Supported Living Waiver Provider Rate Table.

(1) This rule applies to all family and supported living waiver services providers enrolled in the Medicaid program.

(2) All family and supported living waiver services providers enrolled in the Medicaid program must be in compliance with the Family and Supported Living Waiver Provider Rate Table, January 2007, which is incorporated by reference. The rate table is available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees.

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

59G-13.092 Family and Supported Living Waiver Services Procedure Codes.

(1) This rule applies to all family and supported living waiver services providers enrolled in the Medicaid program.

(2) All family and supported living waiver services providers enrolled in the Medicaid program must be in compliance with the Family and Supported Living Home and Community-Based Services Waiver Procedure Codes and Maximum Units of Service, January 2007, which is incorporated by reference. The Family and Supported Living Home and Community-Based Services Waiver Procedure Codes and Maximum Units of Service is available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Danielle Reatherford

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Andrew Agwunobi, M.D., Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2007

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-15.005  
RULE TITLE: Requirements for Certification and Registration

PURPOSE AND EFFECT: The Board proposes to repeal the rule due to the fact that the Board no longer has authority over the applications for certification and registration.

SUMMARY: The Board no longer has authority over the applications for certification and registration.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 489.115(5), (6), 489.129(1), 489.132(5) FS.

LAW IMPLEMENTED: 489.113(1), 489.115(5), (6), 489.129(1), 489.132(5) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.005 Requirements for Certification and Registration.

~~In order that the Board may carry out its statutory duty to investigate the financial responsibility, credit, and business reputation of a new applicant for certification or registration or a change of status of a certification or registration, an applicant shall be required to forward the following to the Department for a review by the Board:~~

(1) A credit report from any nationally recognized credit agency as defined in subsections 61G4-12.011(13) and (14), F.A.C.

(2) A financial statement, not older than 12 months, which shall contain information indicating the current assets, current liabilities, total assets, total liabilities, and total net worth, and which shall report all material financial changes occurring between the date of the financial statement and the date of the application.

(3) Answers to the following questions on the application:

(a) Has any bonding or surety company ever completed or made a financial settlement upon any construction contract or work undertaken by any person named in paragraph (i) below or any organization in which such person was a responsible person as defined in paragraph (j)? Yes ( ) No ( - ).

(b) Are there any lawsuits or unpaid past due bills or claims for labor, materials, or services, as a result of the construction operations of any person named in paragraph (i) below or any organization in which any such person was a responsible person as defined in paragraph (j)? Yes ( ) No ( - ).

(c) Are there now any liens, suits, or judgments of record or pending against any person named in paragraph (i) below or any organization in which any such person was a responsible person as defined in paragraph (j), as a result of the construction operations of such person or organization? Yes ( ) No ( - ).

(d) Are there now any liens of record by the U. S. Internal Revenue Service or the State of Florida Corporate Tax Division against any person named in paragraph (i) below or any organization in which any such person was a responsible person as defined in paragraph (j)? Yes ( ) No ( - ).

(e) Has any person named in paragraph (i) below or has any organization in which any such person was a responsible person as defined in paragraph (j) been adjudicated as bankrupt within the past five years, or is any such person or organization presently in the process of bankruptcy proceedings? Yes ( ) No ( - ).

(f) Has any person named in paragraph (i) below or has any organization in which any such person was a responsible person as defined in paragraph (j) ever been charged with or convicted of acting as a contractor without a license, or if licensed as a contractor in this or any state, been subject to disciplinary action by a state, county or municipality? If yes, you must attach a copy of any state, county, municipal or out-of-state disciplinary order or judgment. Yes ( ) No ( - ).

(g) Has any person named in paragraph (i) below or has any business organization in which any such person was a member filed for or been discharged in bankruptcy within the past five years? If yes, you must attach a copy of the Discharge Order, Order Confirming Plan and if a Corporate Chapter 7 case, a copy of the Notice of Commencement. Yes ( ) No ( - ).

(h) Has any person in paragraph (i) below or has any business organization in which any such person was a responsible person as defined in paragraph (j) ever been convicted or found guilty of or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction within the past ten years? If yes, you must attach a copy of any such conviction or the order or judgment incorporating the finding of guilt or plea. Yes ( ) No ( - ).

(i) Required signatures: if an individual, the qualifying contractor; if a partnership, the qualifying contractor and the partner(s); if a corporation, the qualifying contractor, the president, vice president, and secretary.

(j) For purposes of this rule, "responsible person" includes any partner, officer, director, trustee, qualifying contractor, or any person having managerial or supervisory role in a business organization as defined in Section 489.105(13), F.S.

Specific Authority 489.115(5), (6), 489.129(1), 489.132(5) FS. Law Implemented 489.113(1), 489.115(5), (6), 489.129(1), 489.132(5) FS. History—New 1-10-80, Amended 4-15-82, 9-5-82, 3-21-83, Formerly 21E-15.05, Amended 4-18-86, 1-19-87, 7-1-87, 1-26-88, 1-1-89, 5-23-89, 6-5-90, 4-16-92, Formerly 21E-15.005, Amended 10-17-93, 7-18-94, 7-19-95, 4-24-96, 9-8-96, 10-31-96, 2-4-97, 8-2-98, 9-15-98, 4-5-00, 10-28-03, 10-23-05, Repealed \_\_\_\_\_.

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: June 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.:	RULE TITLE:
61G4-15.006	Financial Responsibility and Financial Stability, Grounds for Denial

PURPOSE AND EFFECT: The Board proposes the rule amendment for the consideration of minimum credit as a component for determining financial responsibility and stability.

SUMMARY: The rule amendment is for the consideration of minimum credit as a component for determining financial responsibility and stability.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 489.115(5), (6) FS.

LAW IMPLEMENTED: 489.115(5), (6) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.006 Financial Responsibility, ~~Definition~~, and Financial Stability, Grounds for Denial.

~~(1) For purposes of this rule, the phrase "financial responsibility" is defined as the ability to safeguard that the public will not sustain economic loss resulting from the contractor's inability to pay his lawful contractual obligations.~~

~~(a) Failure to submit any of the items required by Rule 61G4-15.005, F.A.C.~~

~~(b) The existence, within the past five years preceding the application, of an unsatisfied court judgment rendered against the applicant based upon the failure of the applicant to pay its just obligations to parties with whom the applicant conducted business as a contractor.~~

~~(c) An unfavorable credit report or history as indicated by any of the documents submitted.~~

~~(d) A determination by the Board that the applicant lacks the financial stability necessary to assure compliance with the standard set forth in subsection (1) of this rule. As guidelines for the determination of financial stability the Board shall consider the applicant's responses to the questions set forth in subsection 61G4-15.005(4), F.A.C., and the applicant's financial statement submitted pursuant to subsection 61G4-15.005(2), F.A.C.~~

~~(3) The applicant's history of bankruptcy is included in the statutory definition of financial responsibility and shall be considered by the Board; however, the fact that an applicant has been or is a debtor in bankruptcy shall not be the sole basis of the Board's determination to deny the issuance of a license or a request for change of status to the applicant.~~

~~(1)(2) The financial responsibility grounds on which the Board shall refuse to qualify an applicant is shall include:~~

~~Failure to provide proof of a current credit report, as defined in Rule 61G4-12.011, F.A.C., score of 600 or higher.~~

~~(2) The financial stability grounds on which the Board shall refuse to qualify an applicant are:~~

~~(a) Failure to provide a financial stability bond payable at the direction of the Board in the amount of:~~

1. \$20,000 for Division I applicants.

2. \$10,000 for Division II applicants.

(b) Fifty percent of the financial stability bond requirement may be met by completion of a 14 hour financial responsibility course approved by the Board.

(3) An applicant may meet both the financial responsibility and financial stability requirements by providing a current consumer credit report, as defined in Rule 61G4-12.011, F.A.C. score derived of 660 or higher.

Specific Authority 489.115(5), (6) FS. Law Implemented 489.115(5), (6) FS. History—New 1-6-80, Amended 5-4-80, Formerly 21E-15.06, 21E-15.006, Amended 10-31-96, 11-13-97,\_\_\_\_\_.

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: June 13, 2007

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.: 61G6-7.001  
 RULE TITLE: Specialty Electrical Contractors

PURPOSE AND EFFECT: The Board proposes to amend the rule in order to add another description for a residential electrical contractor.

SUMMARY: Another description for a residential electrical contractor will be added to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 489.511(5) FS.

LAW IMPLEMENTED: 489.503(14), 489.505(19), 489.511(5) 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: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-7.001 Specialty Electrical Contractors.

The following types of specialty electrical contractors may apply to be certified under the provisions of Part II, Chapter 489, Florida Statutes, and Chapter 61G6-5, F.A.C., above. In order to be admitted to a specialty contractor examination, the person must show 6 years of comprehensive training, technical education, or broad experience on the type of electrical or alarm system work for which certification is desired.

(1) through (2) No change.

(3) Residential Electrical Contractor. The scope of certification includes installation, repair, alteration, addition to, replacement of or design of electrical wiring, fixtures, appliances, apparatus, raceways, conduit, or any part thereof, in a 1, 2, 3, or 4 family residence not exceeding 2 stories in height, and accessory use structures in connection with the residence. The electrical service installed or worked upon is limited to single phase, 400 ampere single service.

(4) through (5) No change.

Specific Authority 489.511(5) FS. Law Implemented 489.503(14), 489.505(19), 489.511(5) FS. History—New 1-2-80, Amended 7-29-84, 10-14-84, Formerly 21GG-7.01, Amended 2-23-86, 12-24-87, 6-21-89, 3-3-92, Formerly 21GG-7.001, Amended 1-28-96, 12-25-96, 6-11-97, 12-24-97, 7-19-98, 10-7-99, 2-17-00, 4-30-01, 4-30-03,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 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:
62-610.100	Scope, Intent, Purpose, and Applicability
62-610.200	Definitions
62-610.300	General Technical Guidance, Related Rules, and Forms
62-610.419	Application/Distribution Systems and Cross-Connection Control
62-610.451	Minimum System Size

62-610.471	Setback Distances
62-610.568	Monitoring and Operating Protocol
62-610.800	Permitting Requirements
62-610.870	Reporting and Enforcement

PURPOSE AND EFFECT: To ensure consistency with statutory requirements in Section 403.064, F.S., related to the linkage between reuse requirements in consumptive use permits and DEP permits. To encourage efficient and effective use of reclaimed water. To eliminate outdated rule references or requirements. To clarify and refine the reuse rules.

SUMMARY: Rule 62-610.100 – add language to encourage efficient and effective reuse.

62-610.200 – add definitions for "potable quality water offset" and "recharge fraction."

62-610.300 – incorporate 2003 Strategies report by reference.

62-610.419 – add cross-connection control provisions for residential reuse regulated by Part II of the Chapter.

62-610.451 – refine language into 3 subsections instead of 4.

62-610.471 – clarify language on setbacks to public facilities.

62-610.568 – delete subsection (10).

62-610.800 – delete subparagraph (10)(a)4. Add subsections (13) and (14) dealing with metering & volume based rates, and efficient and effective reuse, respectively.

62-610.870 – add requirement to submit summary of metering activities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 403.051, 403.061, 403.064, 403.087, 403.0881 FS.

LAW IMPLEMENTED: 403.021, 403.051, 403.061, 403.062, 403.064, 403.085, 403.086, 403.087, 403.088, 403.0881 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: August 27, 2007, 9:00 a.m.

PLACE: 2600 Blair Stone Road, Room 609, Tallahassee, FL 32399

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: Lauren Walker-Coleman at (850)245-8611. 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: Lauren Walker-Coleman Water Reuse Specialist Department of Environmental Protection, 2600 Blair Stone Road, MS 3540, Tallahassee, FL 32399-2400, lauren.walker-coleman@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-610.100 Scope, Intent, Purpose, and Applicability.

(1) through (10) No change.

(11) The Department encourages efficient and effective use of reclaimed water featuring relatively high potable quality water offset or recharge fractions.

Specific Authority 403.051, 403.061, 403.064, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.064, 403.085, 403.086, 403.087, 403.088 FS. History–New 4-4-89, Amended 4-2-90, Formerly 17-610.100, Amended 1-9-96, 8-8-99,\_\_\_\_\_.

62-610.200 Definitions.

(1) through (41) No change.

(42) “Potable quality water offset” means the amount of potable quality water (Class F-I, G-I, or G-II ground water or water meeting drinking water standards) saved through the use of reclaimed water expressed as a percentage of the total reclaimed water used. The potable quality water offset is calculated by dividing the amount of potable water saved by the amount of reclaimed water used and multiplying the quotient by 100.

(42) through (45) renumbered (43) through (46) No change.

(47) “Recharge fraction” means the portion of reclaimed water used in a reuse system that recharges an underlying potable quality ground water (Class F-I, G-I, or G-II ground water) that is used for potable supply, or augments a Class I surface water, expressed as a percentage of the total reclaimed water used.

(46) through (78) renumbered (48) through (80) No change.

Specific Authority 403.051, 403.061, 403.064, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.064, 403.085, 403.086, 403.087, 403.088 FS. History–New 4-4-89, Amended 4-2-90, Formerly 17-610.200, Amended 1-9-96, 8-8-99,\_\_\_\_\_.

62-610.300 General Technical Guidance, Related Rules, and Forms.

(1) The following publications are referenced as technical guidance to assist utilities and engineers in planning, design, construction, and implementation of reuse and land application projects. Specific publications or portions of publications which contain enforceable criteria are specifically referenced elsewhere in this chapter. Information in the publications listed below does not supersede the specific requirements in this chapter.

(a) through (m) No change.

(n) Reuse Coordinating Committee and Water Conservation Initiative Water Reuse Workgroup, 2003. Water Reuse for Florida: Strategies for Effective Use of Reclaimed Water. Department of Environmental Protection, Domestic Wastewater Section, MS 3540, Blair Stone Road, Tallahassee, FL 32399-2400 (www.dep.state.fl.us/water/reuse/).

(2) through (4) No change.

Specific Authority 403.051, 403.061, 403.064 FS. Law Implemented 403.051, 403.061(7), (13), 403.064, 403.085, 403.086, 403.087, 403.088 FS. History–New 4-4-89, Amended 4-2-90, Formerly 17-610.300, Amended 1-9-96, 8-8-99, 3-9-06,\_\_\_\_\_.

62-610.419 Application/Distribution Systems and Cross-Connection Control.

(1) through (2) No change.

(3) No cross-connections to potable water systems shall be allowed. For systems permitted under subsection 62-610.418(2), F.A.C., the permittee shall develop and obtain Department acceptance for a cross-connection control and inspection program as discussed in Rules 62-610.469 and 62-555.360, F.A.C.

(4) No change.

Specific Authority 403.051, 403.061, 403.064, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.064, 403.085, 403.086, 403.087, 403.088 FS. History–New 4-4-89, Formerly 17-610.419, Amended 1-9-96,\_\_\_\_\_.

62-610.451 Minimum System Size.

(1) Except as provided in subsection 62-610.451(2), F.A.C., nNo treatment facility with a design average daily flow of less than 0.1 mgd shall have the produced reclaimed water made available for reuse activities covered by Part III of this chapter by slow rate land application in public access areas.

~~(2) No treatment facility with a design average daily flow of less than 0.1 mgd shall have the produced reclaimed water made available for reuse by slow rate land application on residential properties or on edible crops.~~

(3) through (4) renumbered (2) through (3) No change.

Specific Authority 403.051, 403.061, 403.064, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.064, 403.085, 403.086, 403.087, 403.088 FS. History–New 4-4-89, Amended 4-2-90, Formerly 17-610.451, Amended 1-9-96,\_\_\_\_\_.

62-610.471 Setback Distances.

(1) through (5) No change.

(6) Setback distances are not required to outdoor public eating, drinking, and bathing facilities. However, wWithin 100 feet from outdoor public eating, drinking and bathing facilities, low trajectory nozzles, or other means to minimize aerosol formation shall be used.

(7) through (11) No change.

Specific Authority 403.051, 403.061, ~~403.064~~, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, ~~403.064~~, 403.085, 403.086, 403.087, 403.088 FS. History–New 4-4-89, Amended 4-2-90, Formerly 17-610.471, Amended 1-9-96, 8-8-99, \_\_\_\_\_.

62-610.568 Monitoring and Operating Protocol.

(1) through (9) No change.

~~(10) The reclaimed water shall be sampled annually for the unregulated organic contaminants listed in Rules 62-550.405, 62-550.410 and 62-550.415, F.A.C. Sampling for the unregulated organic contaminants shall be required only for the following types of projects:~~

~~(a) Discharge to Class I surface waters, as described in Rule 62-610.554, F.A.C.~~

~~(b) Discharge to waters contiguous to or tributary to Class I surface waters, as described in subsection 62-610.555(1), F.A.C.~~

~~(c) Injection projects used for ground water recharge or salinity barrier control, as described in Rules 62-610.560 or 62-610.562, F.A.C.~~

~~(d) Discharges to surface waters that are directly connected to ground water, which serve as ground water recharge, as described in subsection 62-610.555(4), F.A.C.~~

(11) through (12) renumbered (10) through (11) No change.

Specific Authority 403.051, 403.061, 403.064, 403.087 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, 403.064, 403.085, 403.086, 403.087, 403.088 FS. History–New 4-4-89, Amended 4-2-90, Formerly 17-610.568, Amended 1-9-96, 8-8-99, \_\_\_\_\_.

62-610.800 Permitting Requirements.

(1) through (9) No change.

(10) Water Management District Coordination.

(a) Domestic wastewater permits issued by the Department shall be consistent with requirements for reuse included in applicable consumptive use permits issued by the water management district, if all of the following conditions are met:

1. through 3. No change.

~~4. The requirements for reuse in the consumptive use permit do not require elimination of permitted reuse facilities which meet the reuse criteria in Rule 62-610.810, F.A.C.~~

(b) No change.

(11) through (12) No change.

(13) Utilities implementing reuse projects are encouraged, except in the case of use by electric utilities as defined in Section 366.02(2), Florida Statutes, to meter use of reclaimed water by all end users and to charge for the use of reclaimed water based on the actual volume used when such metering and charges can be shown to encourage water conservation. Metering and the use of volume-based rates are effective water management tools for the following reuse activities: residential irrigation, agricultural irrigation, industrial uses, landscape irrigation, irrigation of other public access areas, commercial

and institutional uses such as toilet flushing, and transfers to other reclaimed water utilities. Each domestic wastewater utility that provides reclaimed water for the reuse activities listed in this rule shall include a summary of its metering and rate structure as part of its annual reuse report to the Department.

(14) The Department encourages efficient and effective use of reclaimed water featuring relatively high potable quality water offset or recharge fractions as described in Table 5 in the publication entitled, *Water Reuse for Florida: Strategies for Effective Use of Reclaimed Water.*

Specific Authority 403.051, 403.061, 403.064, 403.087, 403.0881 FS. Law Implemented 403.021, 403.051, 403.061, 403.064, 403.087, 403.088, 403.0881 FS. History–New 4-2-90, Formerly 17-610.800, Amended 1-9-96, 8-8-99, \_\_\_\_\_.

62-610.870 Reporting and Enforcement.

(1) through (2) No change.

(3) Annual Reuse Report.

(a) through (g) No change.

(h) Permittees making reclaimed water available for activities listed in subsection 62-610.800(13), F.A.C., shall attach a summary of the utility's metering activities and the rate structure that the utility currently employs or plans to employ, as required by subsection 62-610.800(13), F.A.C., and Section 403.064(16), F.S.

Specific Authority 403.051, 403.061, ~~403.064~~, 403.087, 403.0881 FS. Law Implemented 403.021, 403.051, 403.061, 403.062, ~~403.064~~, 403.085, 403.086, 403.087, 403.088, 403.0881 FS. History–New 4-2-90, Formerly 17-610.870, Amended 1-9-96, 8-8-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Lauren Walker-Coleman

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janet Llewellyn

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 2007

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

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

RULE NO.: 64B2-16.0075                      RULE TITLE: Citations

PURPOSE AND EFFECT: The purpose and effect of this rule amendment is to add violations for which citations may be issued.

SUMMARY: The proposed rule amendment adds violations for which citations may be issued.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 456.039(3), 456.077, 460.405 FS.

LAW IMPLEMENTED: 456.035, 456.039(3), 456.072(3), 456.073 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-16.0075 Citations.

(1) through (2) No change.

(3) The Board designates the following as citation violations, which shall result in a penalty of \$500, except for the advertising violations listed in paragraph (e) below, if the citation is accepted by the licensee:

(a) through (d) No change.

(e) Advertising. A violation of the following shall result in a penalty of \$2,500, if the citation is accepted by the licensee:

1. Any discounted or free service without including the required statement, Section 456.062, F.S.

2. Failing to include in an advertisement for free x-rays and/or video fluoroscopy that x-rays or video fluoroscopy will be given if medically necessary, paragraph 64B2-15.001(2)(b), F.A.C.

3. Failing to specifically name each individual chiropractor participating in a referral service or bureau when advertising a chiropractic referral service or bureau, paragraph 64B2-15.001(2)(b), F.A.C.

4. Failing to include a reference to the chiropractor by name and degree in any advertisement was generated on behalf of the chiropractor, paragraph 64B2-15.001(2)(b), F.A.C.

5. Failing to conspicuously identify the chiropractor(s) listed in the advertisement as a chiropractor, paragraph 64B2-15.001(2)(f), F.A.C.

6. Disseminating an advertisement that contains a representation that identifies the chiropractic practice being advertised by a name that fails to include the terms "chiropractor," "chiropractic," "the initials, D.C.," "chiropractic physician", "doctor of chiropractic medicine" or similar derivative, paragraph 64B2-15.001(2)(h), F.A.C.

7. Advertising that a chiropractor has received Diplomate status in a specialty area not recognized by the Board, paragraph 64B2-15.001(2)(i), F.A.C.

(f) No change.

(g) Failing to identify the type of licensure under which the practitioner is practicing, Section 456.072(1)(t), F.S.

(4) through (9) No change.

Specific Authority 456.039(3), 456.077, 460.405 FS. Law Implemented 456.035, 456.039(3), 456.072(3), 456.073 FS. History–New 1-19-92, Amended 4-26-93, Formerly 21D-16.0075, 61F2-16.0075, Amended 7-18-95, Formerly 59N-16.0075, Amended 2-11-99, 5-31-00, 10-7-02, 11-30-03, 11-1-04, 4-13-05, 11-9-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2007

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE NO.: RULE TITLE:

64B4-6.001 Renewal of Active License

PURPOSE AND EFFECT: The Board proposes the rule amendment deleting the provision that would give an applicant credit for taking video cassette courses.

SUMMARY: The proposed rule amendment will eliminate the option of obtaining continuing education credit for video cassette courses.

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

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

SPECIFIC AUTHORITY: 456.013(6), 456.031(1)(a), 491.004(5), 491.007(2) FS.

LAW IMPLEMENTED: 456.013(6), (7), 456.031(1)(a), 491.007(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:



64B4-6.001 Renewal of Active License.

(1) through (3) No change.

~~(4) Pursuant to Section 456.013(6), F.S., credit for video cassette courses shall not exceed 5 hours per subject and proof of completion shall be submitted to the Department along with the license renewal application on a validation form signed by the vendor and the licensee. For the purpose of this section, the validation form shall be a copy of the certificate of completion pursuant to paragraphs 64B4-6.003(4)(a) and (b), F.A.C.~~

~~(4)(5)~~ Continuing Education hours earned by a licensee to satisfy any disciplinary action shall be in addition to those required for renewal for each biennium.

Specific Authority 456.013(6), 456.031(1)(a), 491.004(5), 491.007(2) FS. Law Implemented 456.013(6), (7), 456.031(1)(a), 491.007(2) FS. History—New 4-4-89, Amended 12-4-90, Formerly 21CC-6.001, Amended 1-9-94, Formerly 61F4-6.001, Amended 1-7-96, 12-29-96, Formerly 59P-6.001, Amended 2-9-99, 2-5-01, 2-7-05, 7-16-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 11, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2007

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE NO.: 64B4-7.007  
 RULE TITLE: Requirement to Hold Oneself Out as Qualified to Practice Juvenile Sex Offender Therapy

PURPOSE AND EFFECT: Clarify type of education and training.

SUMMARY: The proposed rule amendment will specify the type of education and training that will be required to become qualified to practice juvenile sex offender therapy.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 491.004(5), 491.0144 FS.

LAW IMPLEMENTED: 491.0144 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-7.007 Requirements to Hold Oneself Out as Qualified to Practice Juvenile Sex Offender Therapy. Effective October 1, 2000, in order for a licensed clinical social worker, marriage and family therapist or mental health counselor to hold oneself out as one qualified to practice juvenile sex offender therapy the licensee must have:

(1) Completed education and training through course work which meets the standards for approval as set forth in Rule 64B4-6.002, F.A.C., in the following subject area:

(a) through (1) No change.

(2) No change.

Specific Authority 491.004(5), 491.0144 FS. Law Implemented 491.0144 FS. History—New 2-9-99, Amended 4-24-00, 8-24-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 11, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2007

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE NO.: 64B4-22.110  
 RULE TITLE: Course Content

PURPOSE AND EFFECT: To delete specific standard.

SUMMARY: The proposed rule amendment deletes the reference to an out dated reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 491.004(5) FS.
LAW IMPLEMENTED: 491.005(3) FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-22.110 Course Content.

The course requirements set forth in Section 491.005(3), Florida Statutes, shall contain the following content:

(1) through (4) No change.

(5) Psychopathology. This course prepares the student in the evaluation and classification of abnormal human behavior and psychiatric disorders in individuals according to current diagnostic standards (DSM-IV-TR; ICD-9).

(6) through (13) No change.

Specific Authority 491.004(5) FS. Law Implemented 491.005(3) FS. History--New 8-20-92, Amended 1-27-93, Formerly 21CC-22.110, Amended 2-22-94, Formerly 61F4-22.110, 59P-22.110, Amended 10-15-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 11, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2007

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-15.009
RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The purpose and effect is to set forth the disciplinary guidelines for unprofessional conduct by certified nursing assistants.

SUMMARY: The disciplinary guidelines for unprofessional conduct by certified nursing assistants are set forth.

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

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

SPECIFIC AUTHORITY: 464.204 FS.
LAW IMPLEMENTED: 456.072, 464.204 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-15.009 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) through (2) No change.

(3) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon registrants for violation of the noted statutes and rules:

(a) through (gg) No change.

(hh) Intentionally engaging in unprofessional conduct, as defined in Rule 64B9-8.005, F.A.C., (Section 464.018(1)(h)).

Table with 3 columns: FIRST OFFENSE, MINIMUM, MAXIMUM. It details penalties for unprofessional conduct, including fines, probation, and suspension.

If the unprofessional conduct involves hitting a patient or intentionally causing harm to a patient, the MINIMUM penalty for a FIRST OFFENSE is REVOCATION of the license.

(4) through (6) No change.

Specific Authority 464.204 FS. Law Implemented 456.072, 464.204 FS. History--New 10-28-02, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2007

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NO.: 64B14-1.004  
 RULE TITLE: Address of Record and Place of Practice

PURPOSE AND EFFECT: The purpose and effect of this rule development is to implement the provisions of Section 456.035, F.S.

SUMMARY: The proposed rule amendment implements the provisions of Section 456.035, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 456.035 FS.

LAW IMPLEMENTED: 456.035 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-1.004 Address of Record and Place of Practice.

(1) Each person holding a license issued pursuant to Chapter 468, Part XIV, F.S., must maintain on file with the Board of Orthotists and Prosthetists the current address at which any notice required by law may be served by the Board or its agent. Within 30 days of changing this address, whether or not within this state, the licensee shall change his or her address at the Board's website [www.doh.state.fl.us/mqa/OrthPros/index.html] or notify the Board by e-mail or in writing of the new address at which the licensee may be served with notices or other documents.

(2) Each person holding a license issued pursuant to Chapter 468, Part XIV, F.S., must maintain on file with the Board of Orthotists and Prosthetists the current primary place of practice.

Specific Authority 456.035 FS. Law Implemented 456.035 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotists and Prosthetists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

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

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

SUMMARY: Purposed revisions to Form DFS-F4-1595 (eff. \_\_\_\_\_), Penalty Calculation Worksheet.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.107(7) 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: Tuesday, August 28, 2007, 3:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Andrew Sabolic, Assistant Division Director, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4229, phone (850)413-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.027 Penalty Calculation Worksheet.

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Andrew Sabolic  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Tanner Holloman  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: July 6, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: February 16, 2007

## DEPARTMENT OF FINANCIAL SERVICES

### Division of Workers' Compensation

RULE NO.: 69L-7.020  
RULE TITLE: Florida Workers' Compensation  
Health Care Provider  
Reimbursement Manual

PURPOSE AND EFFECT: To amend the rule to adopt the 2007 Edition of the Florida Workers' Compensation Health Care Provider Reimbursement Manual, to implement the 2007 conversion factors issued by the Centers for Medicare and Medicaid Services approved by the Three Member Panel pursuant to Section 440.13(12), F.S. In addition, the proposed amendments to the rule will adopt the CPT® 2007 Current Procedural Terminology Professional Edition, Copyright 2006, American Medical Association; the Current Dental Terminology, CDT-2007/2008, Copyright 2006, American Dental Association; and the "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2007", American Medical Association, Nineteenth Edition, Copyright 2006, Ingenix Publishing Group.

SUMMARY: Proposed revisions to the Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2007 Edition, incorporated by reference into the rule, including amendments to the uniform schedules of maximum reimbursement allowances.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 440.13(14)(b), 440.591 FS.

LAW IMPLEMENTED: 440.13(7), (12), (14) 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, August 22, 2007, 10:00 a.m.

PLACE: Room 104J, Hartman Bldg., 2012 Capital Circle S.E., 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: Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4229, phone (850)413-1712. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4229, phone (850)413-1712

### THE FULL TEXT OF THE PROPOSED RULE IS:

69L-7.020 Florida Workers' Compensation Health Care Provider Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2007 ~~2006~~ Edition, is adopted by reference as part of this rule. The manual contains the Maximum Reimbursement Allowances determined by the Three-Member Panel, pursuant to Section 440.13(12), F.S., and establishes reimbursement policies, guidelines, codes and maximum reimbursement allowances for services and supplies provided by health care providers. Also, the manual includes reimbursement policies and payment methodologies for pharmacists and medical suppliers.

(2) The CPT® ~~2007~~ 2006 Current Procedural Terminology Professional Edition, Copyright ~~2006~~ 2005, American Medical Association; the Current Dental Terminology, CDT-2007/2008~~2005~~, Copyright ~~2006~~ 2004, American Dental Association; and in part for D codes and for injectable J codes, and for other medical services and supply codes, the "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS ~~2007~~ 2006", American Medical Association, ~~Nineteenth~~ Eighteenth Edition, Copyright ~~2006~~ 2005, Ingenix Publishing Group, are adopted by reference as part of this rule. When a health care provider performs a procedure or service which is not listed in the Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2007 ~~2006~~ Edition incorporated above, the provider must use a code contained in the CPT® ~~2007~~ 2006, CDT-2007/2008 ~~2005~~ or HCPCS-2007~~6~~ as specified in this section.

(3) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2007 ~~2006~~ Edition incorporated above, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at <http://www.fldfs.com/wc>.

Specific Authority 440.13(14)(b), 440.591 FS. Law Implemented 440.13(7), (12), (14) FS. History—New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.20, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01, 7-7-02, Formerly 38F-7.020, 4L-7.020, Amended 12-4-03, 1-1-04, 7-4-04, 5-9-05, 9-4-05, 11-16-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Don Davis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tanner Holloman

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 8, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2007

## FINANCIAL SERVICES COMMISSION

### OIR – Insurance Regulation

RULE NO.:	RULE TITLE:
690-162.203	Adoption of 2001 Commissioners Standard Ordinary (CSO) Preferred Mortality Tables for Determining Reserve Liabilities for Ordinary Life Insurance

PURPOSE AND EFFECT: The purpose of this regulation is to recognize, permit and prescribe the use of mortality tables that reflect differences in mortality between Preferred and Standard lives in determining minimum reserve liabilities in accordance with Subsection 625.121(5)(a)3., F.S., and Rule 690-164.020, F.A.C.

SUMMARY: The rule establishes requirements relating to mortality tables.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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), 625.121 FS.

LAW IMPLEMENTED: 624.307(1), 625.121 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: August 20, 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 days before the workshop/meeting by contacting: Kerry Krantz, Office of Insurance Regulation,

E-mail kerry.krantz@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: Kerry Krantz, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-162.203 Adoption of 2001 Commissioners Standard Ordinary (CSO) Preferred Mortality Tables for Determining Reserve Liabilities for Ordinary Life Insurance.

(1) Scope. This rule shall govern mortality tables for use in reserves as set forth in Section 625.121, F.S.

(2) Purpose. The purpose of this rule is to recognize, permit and prescribe the use of mortality tables that reflect differences in mortality between Preferred and Standard lives in determining minimum reserve liabilities in accordance with subparagraph 625.121(5)(a)3. and subsection 690-138.164.020(5), F.A.C.

(3) Definitions.

(a) “2001 CSO Mortality Table” means that mortality table, consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the NAIC in December 2002. The 2001 CSO Mortality Table is included in the Proceedings of the NAIC (2nd Quarter 2002) and supplemented by the 2001 CSO Preferred Class Structure Mortality Table defined below in paragraph (b). Unless the context indicates otherwise, the “2001 CSO Mortality Table” includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables. Mortality tables in the 2001 CSO Mortality Table include the following:

1. “2001 CSO Mortality Table (F)” means that mortality table consisting of the rates of mortality for female lives from the 2001 CSO Mortality Table.

2. “2001 CSO Mortality Table (M)” means that mortality table consisting of the rates of mortality for male lives from the 2001 CSO Mortality Table.

3. “Composite mortality tables” means mortality tables with rates of mortality that do not distinguish between smokers and nonsmokers.

4. “Smoker and nonsmoker mortality tables” means mortality tables with separate rates of mortality for smokers and nonsmokers.

(b) “2001 CSO Preferred Class Structure Mortality Table” means mortality tables with separate rates of mortality for Super Preferred Nonsmokers, Preferred Nonsmokers, Residual

Standard Nonsmokers, Preferred Smokers, and Residual Standard Smoker splits of the 2001 CSO Nonsmoker and Smoker tables as adopted by the NAIC September 10, 2006, which is adopted herein and incorporated by reference. Unless the context indicates otherwise, the "2001 CSO Preferred Class Structure Mortality Table" includes both the ultimate form of that table and the select and ultimate form of that table. It includes both the smoker and nonsmoker mortality tables. It includes both the male and female mortality tables and the gender composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality table.

(c) "Statistical agent" means an entity with proven systems for protecting the confidentiality of individual insured and insurer information; demonstrated resources for and history of ongoing electronic communications and data transfer ensuring data integrity with insurers, which are its members or subscribers; and a history of and means for aggregation of data and accurate promulgation of the experience modifications in a timely manner.

(4) 2001 CSO Preferred Class Structure Table.

(a) At the election of the company, for each calendar year of issue, for any one or more specified plans of insurance and subject to satisfying the conditions stated in this rule, the 2001 CSO Preferred Class Structure Mortality Table may be substituted in place of the 2001 CSO Smoker or Nonsmoker Mortality Table as the minimum valuation standard for policies issued on or after January 1, 2007.

(b) No such election shall be made until the company demonstrates at least 20% of the business to be valued on this table is in one or more of the preferred classes.

(c) A table from the 2001 CSO Preferred Class Structure Mortality Table used in place of a 2001 CSO Mortality Table, pursuant to the requirements of this rule, will be treated as part of the 2001 CSO Mortality Table only for purposes of reserve valuation pursuant to the requirements of Rule 690-162.201, F.A.C., Adoption of 2001 Commissioners Standard Ordinary (CSO) Mortality Tables.

(5) Conditions.

(a) For each plan of insurance with separate rates for Preferred and Standard Nonsmoker lives, an insurer may use the Super Preferred Nonsmoker, Preferred Nonsmoker, and Residual Standard Nonsmoker tables to substitute for the Nonsmoker mortality table found in the 2001 CSO Mortality Table to determine minimum reserves. At the time of election and annually thereafter, except for business valued under the Residual Standard Nonsmoker Table, the appointed actuary shall certify that:

1. The present value of death benefits over the next ten years after the valuation date, using the anticipated mortality experience without recognition of mortality improvement

beyond the valuation date for each class, is less than the present value of death benefits using the valuation basic table corresponding to the valuation table being used for that class.

2. The present value of death benefits over the future life of the contracts, using anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the valuation basic table corresponding to the valuation table being used for that class.

(b) For each plan of insurance with separate rates for Preferred and Standard Smoker lives, an insurer may use the Preferred Smoker and Residual Standard Smoker tables to substitute for the Smoker mortality table found in the 2001 CSO Mortality Table to determine minimum reserves. At the time of election and annually thereafter, for business valued under the Preferred Smoker Table, the appointed actuary shall certify that:

1. The present value of death benefits over the next ten years after the valuation date, using the anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the Preferred Smoker valuation basic table corresponding to the valuation table being used for that class.

2. The present value of death benefits over the future life of the contracts, using anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the Preferred Smoker valuation basic table.

(c) Unless exempted by the Office, every authorized insurer using the 2001 CSO Preferred Class Structure Table shall annually file with the Office, with the NAIC, or with a statistical agent designated by the NAIC and acceptable to the Office, statistical reports showing mortality and such other information as the Office may deem necessary or expedient for the administration of the provisions of this rule. The form of the reports shall be established by the Office or the Office may require the use of a form established by the NAIC or by a statistical agent designated by the NAIC and acceptable to the Office.

(7) Effective Date. This rule shall be effective for policies issued on or after January 1, 2007, for valuation dates on or after the date this rule becomes effective.

Specific Authority 624.308(1), 625.121 FS. Law Implemented 624.307(1), 625.121 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: AI Willis, Director, Life and Health Financial Oversight, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: AI Willis, Director, Life and Health Financial Oversight, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 15, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 11, 2007

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.: 69O-164.030  
 RULE TITLE: Application of Rule 69O-164.020, F.A.C., to Various Product Designs

PURPOSE AND EFFECT: To provide direction as to the application of Rule 69O-164.020, F.A.C., to various product designs.

SUMMARY: The Rule establishes reserving requirements.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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), 625.121 FS.

LAW IMPLEMENTED: 624.307(1), 625.121 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: August 20, 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 days before the workshop/meeting by contacting: Kerry Krantz, Office of Insurance Regulation, E-mail [kerry.krantz@fldfs.com](mailto:kerry.krantz@fldfs.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Office of Insurance Regulation, E-mail [kerry.krantz@fldfs.com](mailto:kerry.krantz@fldfs.com)

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-164.030 Application of Rule 69O-164.020, F.A.C., to Various Product Designs.

- (1) No change.
- (2) Application. The list below specifies reserving approaches which the Office regards as being most consistent with the letter and spirit of Rule 69O-164.020, F.A.C. However, the specified reserving approaches should be modified as needed to comply with the intent of this rule that similar reserves be established for policy designs that contain similar guarantees.

(a) through (h) No change.

(i) A universal life policy guarantees the coverage to remain in force as long as the accumulation of premiums paid satisfies the secondary guarantee requirement.

1. For policies and certificates issued prior to July 1, 2005, and for policies and certificates issued on or after January 1, 2011:

a. through i. No change.

2. For policies and certificates issued on or after July 1, 2005, and prior to January 1, 2007:

a. through i. No change.

3. For policies and certificates issued on or after January 1, 2007, and prior to January 1, 2011:

a. First, the minimum gross premiums (determined at issue) that will satisfy the secondary guarantee requirement must be derived.

b. Second, for purposes of applying paragraphs (7)(b) and (7)(c) of Rule 69O-164.020, F.A.C., the “specified premiums” are the minimum gross premiums derived in sub-subparagraph a.

(I) Consistent with Rule 69O-164.020, F.A.C., the remaining sub-subparagraphs in this rule should be calculated on a segmented basis, using the segments that Rule 69O-164.020, F.A.C., defines for the product. Therefore, in the remaining sub-subparagraphs, the term “fully fund the guarantee” should be interpreted to mean fully funding the guarantee to the end of each possible segment. The term “remainder of the secondary guarantee period” should be interpreted to mean the remainder of each possible segment. The total reserve should equal the greatest of all possible segmented reserves.

(II) Additionally, for purposes of applying paragraphs (7)(b) and (c) of Rule 69O-164.020, F.A.C., a lapse rate of no more than 2% per year for the first 5 years, followed by no more than 1% per year to the policy anniversary specified in the following table based on issue age, and 0% per year thereafter may be used. If the duration in the table is less than 5, then a lapse rate of no more than 2% per year may be used through that duration, and 0% per year thereafter.

<u>Issue Age</u>	<u>Duration</u>
<u>0-50</u>	<u>30th Policy Anniversary</u>
<u>51-60</u>	<u>Policy Anniversary Age 80</u>
<u>61-70</u>	<u>20th Policy Anniversary</u>
<u>71-89</u>	<u>Policy Anniversary Age 90</u>
<u>90 and over</u>	<u>No Lapse</u>

c. Third, a determination should be made of the amount of actual premium payments in excess of the minimum gross premiums. For policies utilizing shadow accounts, this will be the amount of the shadow account. For policies with no shadow accounts but which specify cumulative premium requirements, this excess will be the amount of the cumulative premiums paid in excess of the cumulative premium

requirements; the cumulative premium payments and requirements should include any interest credited under the secondary guarantee (with interest credited at the rate specified under the secondary guarantee).

d. Fourth, as of the valuation date for the policy being valued, for policies utilizing shadow accounts, determine the minimum amount of shadow account required to fully fund the guarantee. For policies with no shadow accounts but which specify cumulative premium requirements, determine the amount of the cumulative premiums paid in excess of the cumulative premium requirements that would result in no future premium requirements to fully fund the guarantee; the cumulative premium payments and requirements should include any interest credited under the secondary guarantee (with interest credited at the rate specified under the secondary guarantee). For any policy for which the secondary guarantee cannot be fully funded in advance, solve for the minimum sum of any possible excess funding (either the amount in the shadow account or excess cumulative premium payments depending on the product design) and the present value of future premiums (using the maximum allowable valuation interest rate and the minimum mortality standards allowable for calculating basic reserves) that would fully fund the guarantee. The amount determined above for this sub-subparagraph is to then be divided by one minus a seven percent premium load allowance (0.93). The result from sub-subparagraph c. should be divided by this number, with the resulting ratio capped at 1. The ratio is intended to measure the level of prefunding for a secondary guarantee which is used to establish reserves. Assumptions within the numerator and denominator of the ratio therefore must be consistent in order to appropriately reflect the level of prefunding. The denominator is allowed to be inconsistent only by the amount of the premium load allowance as defined in this sub-subparagraph. As used here, "assumptions" include any factor or value, whether assumed or known, which is used to calculate the numerator or denominator of the ratio.

e. Fifth, compute the net single premium on the valuation date for the coverage provided by the secondary guarantee for the remainder of the secondary guarantee period, using any valuation table and select factors authorized in paragraph (5)(a) of Rule 69O-164.020, F.A.C. For purposes of calculating the net single premium, a lapse rate subject to the same criteria as the lapse rate used in applying paragraph b. above may be used.

f. Sixth, the "net amount of additional premiums" is determined by multiplying the ratio from sub-subparagraph d. by the difference between the net single premium from sub-subparagraph e. and the basic and deficiency reserve, if any, computed in sub-subparagraph b.

g. Seventh, a "reduced deficiency reserve" should be computed by multiplying the deficiency reserve, if any, by one minus the ratio from sub-subparagraph d., but not less than

zero. This "reduced deficiency reserve" is the deficiency reserve to be used for purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C.

h. Eighth, the actual reserve used for purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C., is the lesser of: (1) the net single premium from sub-subparagraph e., and (2) the amount of the excess from sub-subparagraph f., plus the basic reserve and the deficiency reserve, if any, computed in sub-subparagraph b.

(I) Reduce this result by the applicable policy surrender charges, i.e., the account value less the cash surrender value.

(II) Multiply the applicable policy surrender charge by the ratio of the net level premium for the secondary guarantee period divided by the net level premium for whole life insurance.

(III) Calculate both net premiums using the maximum allowable valuation interest rate and the minimum mortality standards allowable for calculating basic reserves. However, if no future premiums are required to support the guarantee period being valued, there is no reduction for surrender charges.

(IV) Multiply this surrender charge by the ratio of the net level premium for the secondary guarantee period divided by the net level premium for whole life insurance. Calculate both net premiums using the maximum allowable valuation interest rate and the minimum mortality standards allowable for calculating basic reserves.

(V) If the resulting amount is less than the sum of the basic and deficiency reserve from sub-subparagraph b., then the basic and deficiency reserves to be used for the purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C., are those calculated in sub-subparagraph b., and no further calculation is required.

i. Ninth, an "increased basic reserve" should be computed by subtracting the "reduced deficiency reserve" in sub-subparagraph g. from the reserve computed in sub-subparagraph h. This "increased basic reserve" is the basic reserve to be used for purposes of subparagraph 69O-164.020(7)(d)1., F.A.C.

j. Business reserved pursuant to Section 8C, must be supported by an asset adequacy analysis specific to this business.

(I) This asset adequacy analysis must be performed pursuant to the requirements of Section 625.121(3), F.S.

(II) Reserves required by Section 8C plus any additional reserves required by the asset adequacy analysis shall be the minimum reserves for this business.

(3) No change.

Specific Authority 624.308(1), 625.121(5) FS. Law Implemented 624.307(1), 625.121(5) FS. History—New 5-4-06, Amended



NAME OF PERSON ORIGINATING PROPOSED RULE: Al Willis, Director, Life and Health Financial Oversight, Office of Insurance Regulation  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Al Willis, Director, Life and Health Financial Oversight, Office of Insurance Regulation  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 15, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 11, 2007

violator is other than a business licensee, the registered name of the business licensee that employed the violator at the time of the violation and the county or city in which the violator's business address is located will listed. If the violator operated an unlicensed pest control business the name of the unlicensed business will also be listed.

Specific Authority 482.051, 5570.07(23) FS. Law Implemented 482.161, 482.163, 482.165, 570.07(36) FS. History--New 6-22-06, Amended\_\_\_\_\_.

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.:	RULE TITLE:
IS-5.002	Voting System Equipment Regulations Supplement: Minimum Standards for Voter Verifiable Paper Audit Records

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 16, April 20, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services, Bureau of Entomology and Pest Control**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
5E-14	Entomology – Pest Control Regulations
RULE NO.:	RULE TITLE:
5E-14.149	Enforcement and Penalties

**NOTICE OF WITHDRAWAL:**

Notice is hereby given that an amendment to the above rule, as noticed in Vol. 32, No. 28, July 14, 2006, Florida Administrative Weekly has been withdrawn. The text of the proposed amendment that is being withdrawn is:

5E-14.149 Enforcement and Penalties.

(1) through (10) No change.

(11) Quarterly List. All disciplinary actions taken by the department pursuant to Chapter 482, Florida Statutes or the rules adopted pursuant to it, shall be published as required in Section 482.161(9), F.S., and on the Department's website and shall include the identity of each individual or entity against which disciplinary action was taken, and a brief description of the offense and the disciplinary action, whether it was a warning letter, fine, probation, suspension or revocation. If the

**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."

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-2.091	Publications Incorporated by Reference
40D-2.801	Water-Use Caution Areas

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 28, July 13, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.:	RULE TITLE:
40E-4.051	Exemptions From Permitting

**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. 33, No. 21, May 25, 2007 issue of the Florida Administrative Weekly.

40E-4.051 Exemptions From Permitting.

The District will exempt from regulation under Section 373, Part IV, F.S., those activities that the District determines will have only minimal or insignificant individual or cumulative adverse impacts on the water resources of the district. Exemptions from permitting under Chapters 40E-4, 40E-40 and 40E-400, F.A.C., are set forth below. The performance of activities pursuant to the provisions of the exemptions set forth in this section does not relieve the person or persons who are using the exemption or who are constructing or otherwise implementing the activity from meeting the permitting or performance requirements of other District rules. Nothing in this section shall prohibit the Department of Environmental Protection from taking appropriate enforcement action pursuant to Chapter 403, F.S., to abate or prohibit any activity