

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NOS.: **RULE TITLES:**
 6E-2.001 Approved Applicant Status
 6E-2.002 Institutional Licensure
 6E-2.0061 Actions Against A Licensee;
 Penalties

6E-2.008 Approval of Modifications
 6E-2.0081 Change of Ownership or Control

PURPOSE AND EFFECT: The purpose and effect of this rule development is to consider changes for clarity and ease of use, as well as the incorporation of forms.

SUBJECT AREA TO BE ADDRESSED: Change of ownership and control of a post secondary institution, notice and approval of modifications made by a licensed postsecondary institution, penalties against institutions for infractions, institutional licensure and the processes related to the above.

SPECIFIC AUTHORITY: 1005.22, 1005.31, 1005.32, 1005.33, 1005.38 FS.

LAW IMPLEMENTED: 1005.22, 1005.31, 1005.32, 1005.33, 1005.34, 1005.38, 1005.385 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 17, 2009, 9:00 a.m. and concluding no later than 12:00 noon

PLACE: Orlando Marriott – Lake Mary, 1501 International Parkway, Lake Mary, Florida 32646

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: Commission for Independent Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400. 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NO.: **RULE TITLE:**
 9J-5.026 Rural Land Stewardship Area
 (RSLA)

PURPOSE AND EFFECT: The purpose and effect are to amend the rule to implement current statutory requirements regarding the Rural Land Stewardship Program.

SUBJECT AREA TO BE ADDRESSED: Chapter 9J-5, F.A.C., is to be amended to establish minimum criteria for the review of requests to authorize the designation of Rural Land Stewardship Areas and for the review of amendments to local comprehensive plans that would establish or amend Rural Land Stewardship Areas.

SPECIFIC AUTHORITY: 163.3177(9), 163.3177(11)(h) FS.

LAW IMPLEMENTED: 163.3177(11)(d) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 16, 2009, 10:00 a.m.

PLACE: Department of Community Affairs, Randall Kelley Training Center, Third Floor, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

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: Sheri Coven, Intergovernmental Affairs Coordinator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-1600. 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: Robert Pennock, Strategic Planning Coordinator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1735

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NO.: **RULE TITLE:**
 9J-11.023 Procedure for the Designation of a
 Rural Land Stewardship Area

PURPOSE AND EFFECT: The purpose and effect are to implement current statutory requirements for requests to authorize the designation of a Rural Land Stewardship Area and for amendments to local comprehensive plans that establish or amend a Rural Land Stewardship Area.

SUBJECT AREA TO BE ADDRESSED: The revision of Chapter 9J-11, F.A.C., is to establish submission and review requirements for requests to authorize the designation of a Rural Land Stewardship Area and for amendments to local comprehensive plans that establish or amend a Rural Land Stewardship Area.

SPECIFIC AUTHORITY: 163.3177(9), 163.3177(11)(h) FS.

LAW IMPLEMENTED: 163.3177(11)(d) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 16, 2009, 10:00 a.m.

PLACE: Department of Community Affairs, Randall Kelley Training Center, Third Floor, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

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: Sheri Coven, Intergovernmental Affairs Coordinator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-1600. 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: Robert Pennock, Strategic Planning Coordinator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1735

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

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."

EXECUTIVE OFFICE OF THE GOVERNOR

Florida Energy and Climate Commission

RULE NOS.:	RULE TITLES:
27N-1.100	General
27N-1.200	Definitions
27N-1.300	Renewable Energy and Energy-Efficient Technologies Grants Program
27N-1.400	Renewable Energy and Energy-Efficient Technologies Grants Program for Bioenergy

27N-1.500	Solar Energy Systems Incentives Program
27N-1.600	Renewable Energy Technologies Investments Tax Credit
27N-1.900	Forms

PURPOSE AND EFFECT: The Commission is initiating rulemaking to adopt rule Chapter 27N-1, Florida Administrative Code, implementing the Florida Energy and Climate Protection Act (ss. 377.801-.806, F.S.). Specifically, the Commission intends to adopt rules governing the Renewable Energy and Energy Efficient Technologies Grants Program, the Solar Energy Systems Incentives Program, and the Renewable Energy Technologies Investment Tax Credit. The effect of the rule would be to: (1) reflect the transfer of program administration from the Department of Environmental Protection to the Florida Energy and Climate Commission; (2) revise certain application and review requirements relating to the Renewable Energy and Energy Efficient Technologies Grants Program; (3) establish procedures for the submission, review, award, and administration of bioenergy projects under the Renewable Energy and Energy Efficient Technologies Grants Program; (4) revise application submission requirements and allow for the implementation of an online application for the Solar Energy Systems Incentives Program; (5) revise application requirements for the Renewable Energy Technologies Investment Tax Credit; and (6) update program forms. The proposed rule provisions are a result of the enactment of HB 7135 during the 2008 Regular Session (Chapter No. 2008-227, Laws of Florida).

SUBJECT AREA TO BE ADDRESSED: The subjects expected to be addressed in this rule include development of an online application system for the Solar Energy Systems Incentives Program, as well as the application and review requirements governing the Renewable Energy and Energy Efficient Technologies Grants Program, and the Renewable Energy Technologies Tax Credit.

SPECIFIC AUTHORITY: 377.6015, 377.801, 377.803, 377.804, 377.806, 220.192 FS.

LAW IMPLEMENTED: 377.6015, 377.801-.806, 220.192 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 20, 2009, 10:00 a.m.

PLACE: Bryant Building, Room 272, 620 S. Meridian Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: April Groover, 600 South Calhoun Street, Suite 251, Tallahassee, Florida 32399-0001, or telephone (850)487-3800. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: April Groover, 600 South Calhoun Street, Suite 251, Tallahassee, Florida 32399-0001, or telephone (850)487-3800

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

27N-1.100 General.

This chapter implements the Florida Energy and Climate Protection Act, Florida Renewable Energy Technologies Act providing for grants for renewable energy and energy-efficient technologies and rebates for solar energy systems. This chapter also implements applications for corporate tax credits for renewable energy technologies provided for in Section 220.192, F.S.

Specific Authority 377.6015, 377.804(3), 377.806(7), 220.192(3) FS. Law Implemented 377.6015, 377.803, 377.804, 377.806, 377.808, 220.192 FS. History—New 10-22-07, Formerly 62-16.100, Amended _____.

27N-1.200 Definitions.

The words, terms and phrases used in this chapter, unless otherwise indicated, shall have the meaning set forth in Sections 377.803 and 220.192(1), F.S. In addition, when used in this chapter, the following words, phrases, or terms shall have the following meanings:

- (1) "Bioenergy" means energy derived from biomass.
- (2) "Biomass" means "biomass" as defined in Section 366.91(2)(a), F.S.

(3) "Commission" means the Florida Energy and Climate Commission. "~~Department~~" means the ~~Florida Department of Environmental Protection~~.

(4) "Matching Funds or Other In-Kind Contributions" means:

(a) Actual cash outlays contributed, including, but not limited to, cash outlays for wages, rental expenses, travel expenses, un-recovered indirect costs, and purchases of material and supplies, as a direct benefit to the project, or;

(b) Non-cash contributions necessary and reasonable for proper and efficient accomplishment of project objectives, the value of which must be established using the following guidelines:

1. Rates for donated or volunteer services of any person must be consistent with their regular rate of pay, or the rate of pay of those paid for similar work at a similar level of experience in the labor market, including the value of fringe benefits.

2. The value of donated expendable property such as office supplies or workshop supplies must not exceed the fair market value of the property.

3. The value of donated real property such as land must not exceed the fair market value of the property.

4. Donated space must be valued at fair rental value of comparable space and facilities in a privately-owned building in the same locale.

5. The value of loaned equipment can not exceed its fair rental value.

6. In-kind travel expense must be valued at the approved State rate as specified in Section 112.061, F.S.

(5) "Purchase date" means, for the purchase of solar energy equipment, the date of execution of a loan agreement or the date of final cash payment.

(6) "Solar thermal pool heater" means a device that traps the heat produced by incident sunlight in collector tubing through which swimming pool water is pumped in order to raise the temperature of the swimming pool water.

Specific Authority 377.6015, 377.804(3), 377.806(7), 220.192(3) F.S. Law Implemented 377.6015, 377.802, 377.804, 377.806, 220.192 FS. History—New 10-22-07, Formerly 62-16.200, Amended _____.

27N-1.300 Renewable Energy and Energy-Efficient Technologies Grants Program.

(1) REQUEST FOR GRANT PRE-PROPOSALS.

(a) The Florida Energy and Climate Commission ("Commission") ~~department~~ shall issue a request for grant pre-proposals ("RFGP"). The RFGP shall include a copy of the grant application form, instructions for submission of the grant application, and contact information for the commission ~~department~~.

(b) The RFGP shall be issued by publication on the Florida Department of Management Services State Vendor Bid System under MyFlorida MarketPlace, and on the commission's ~~department's~~ website.

(2) QUALIFIED APPLICANTS. Qualified applicants are those applicants identified in Section 377.804(2), F.S., and State of Florida agencies.

(3) APPLICATIONS. Applications for the Renewable Energy and Energy-Efficient Technologies Grants Program shall be submitted to the Florida Energy and Climate Commission, ATTN: Renewable Energy and Energy-Efficient Technologies Grants Program, 600 South Calhoun Street, Holland Building, Suite 251, Tallahassee, FL 32399-0001 ~~Department of Environmental Protection, ATTN: Renewable Energy Technologies Grants Program, Renewable Energy Projects, Florida Energy Office, 2600 Blair Stone Road, MS-19, Tallahassee, FL 32399-2400~~ as follows:

(a) Six copies of the pre-proposal application shall be submitted in hard copy format, using application Form 27N-1.900(1) ~~62-16.900(1)~~ which is adopted and incorporated by reference at subsection 27N-1.900(1), F.A.C. One copy of the complete application as well as one copy with all proprietary information redacted shall be submitted in

electronic format on compact disc at the same time as the hard copy. Acceptable formats for electronic versions are Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format. Acceptable formats for electronic versions of the signed commitment letters required by Form 27N-1.900(1) 62-16.900(1) from third parties are Adobe PDF; Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format.

(b) If an applicant is selected for the full proposal ranking phase, they will be asked to submit six copies of the full-proposal application shall be submitted in hard copy format, using application Form 27N-1.900(5) which is adopted and incorporated by reference at subsection Form 27N-1.900(5), F.A.C. One copy of the complete application as well as one copy with all proprietary information redacted shall be submitted in electronic format on compact disc at the same time as the hard copy. Acceptable formats for electronic versions are Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format. Acceptable formats for electronic versions of the signed commitment letters required by Form 27N-1.900(5) from third parties are Adobe PDF; Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format.

(c) Applications must be accompanied by an affidavit from the applicant attesting to the accuracy of the statements contained in the application.

(d)(b) Applications must be received by the commission department no later than 5:00 p.m. on the date specified by the commission department in the RFGP.

(e)(e) The application filing deadline shall be extended by the commission department when the commission department determines specifically for this grant program that extenuating circumstances exist, such as a hurricane or other natural disaster. Any deadline extension shall apply for all applicants. The commission shall publish notice of the deadline extension on the Florida Department of Management Services State Vendor Bid System under MyFlorida MarketPlace, and on the commission's website.

(f)(d) For grant requests, the minimum allowable amount for an application to be eligible for consideration for award shall be \$50 thousand, and the maximum allowable amount shall be \$2.5 million.

(g)(e) COMPLETENESS. Any application which does not include all required information may shall be determined incomplete and ineligible for the award of the grant sought. The department shall notify the applicant of the determination of ineligibility.

(h)(f) An applicant is not eligible for award of a grant if the commission determines that the applicant: An applicant is

~~not eligible for award of a grant if at the time the department determines the recipients for the grant.~~

~~1. Has a pending civil, criminal or administrative action alleging that the applicant has committed violations of Florida Statutes or the rules promulgated there under; or The department has a pending civil or administrative action against the applicant that alleges that the applicant has committed violations of Chapters 373, 376, or 403, F.S., or the department rules implementing these statutes; or~~

~~2. Has not satisfied a fine, penalty or other judgment arising out of any civil, criminal or administrative action brought by any governmental agency based upon violation of Florida Statutes or the rules promulgated there under. The department has a final judgment or final order finding that the applicant has committed violations of Chapter 373, 376, or 403, F.S., unless the applicant has satisfied all requirements for corrective actions and has paid all costs, civil penalties, damages, and other financial assessments required by the judgment or order; or:~~

~~3. The applicant has entered into a consent order with the department, unless the applicant has satisfied all requirements for corrective actions and has paid all costs, civil penalties, damages, and other financial assessments required by the consent order.~~

(4) CRITERIA.

(a) The criteria listed in Section 377.804(4), F.S., shall apply to grants evaluated pursuant to Sections 377.804(1) through 377.804(5), F.S.

(b) In addition to the criteria in Section 377.804(4), F.S., grant applications shall be evaluated for the degree to which a project reduces greenhouse gas emissions, minimizes impacts to water resources and results in direct jobs created incorporates multiple renewable energy technologies.

(5) MATCHING FUNDS.

(a) For matching funds, the minimum allowable amount for an application to be eligible for consideration for award shall be \$1.00.

(b) All matching funds and other in-kind contributions, including third party in-kind, shall be verifiable from the applicant's and/or its partners' records, and not be included as contributions for any other state-assisted project or program.

(c) Expenses related to a proposed project incurred prior to the award announcement are not eligible as matching funds or in-kind contributions.

(d) State funds are not eligible as matching funds or in-kind contributions.

(6) RANKING.

(a) The ~~commission~~ department shall use a point system to score grants. In scoring grants, points shall be awarded as follows:

Criteria	Max Points Possible
Cost Share Percentage ¹	20
Economic Development ²	16
Technical Feasibility ³	16
Innovative Technology ⁴	16
Production Potential ⁵	16
Energy Efficiency ⁶	16
Fostering Awareness ⁷	16
Project Management ⁸	16
Duration & Timeline ⁹	6
Location Served ¹⁰	4
Public Integration ¹¹	3 4
Multiple Technologies¹²	4
Total Numerical Rating	<u>145 150</u>

¹Cost Share Percentage: The availability of matching funds or other in-kind contributions applied to the total project from the applicant.

0 points = \$1.00 up to and including 1% of total project cost.

2 points = Greater than 1% up to and including 10% of total project cost.

4 points = Greater than 10% up to and including 20% of total project cost.

6 points = Greater than 20% up to and including 30% of total project cost.

8 points = Greater than 30% up to and including 40% of total project cost.

10 points = Greater than 40% up to and including 50% of total project cost.

12 points = Greater than 50% up to and including 60% of total project cost.

14 points = Greater than 60% up to and including 70% of total project cost.

16 points = Greater than 70% up to and including 80% of total project cost.

18 points = Greater than 80% up to and including 90% of total project cost.

20 points = Greater than 90% of total project cost.

²Economic Development: The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.

Minimum (0 points): Negative contribution or this element of the evaluation criteria was not addressed.

Maximum (16 points): Significant potential for economic development in Florida, including estimate of direct jobs created and the potential duration of said jobs, whether time limited specific to the grant period or potentially on-going beyond the life of the grant.

³Technical Feasibility: The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

Minimum (0 points): No proof of feasibility or this element of the evaluation criteria was not addressed.

Maximum (16 points): Project demonstrated to be technically feasible and claims are fully supported.

⁴Innovative Technology: The degree to which the project incorporates an innovative new technology or an innovative application of an existing technology.

Minimum (0 points): No degree of innovation or this element of the evaluation criteria was not addressed.

Maximum (16 points): Project incorporates technologies or processes that are not in common use in Florida, that represent a novel application of an existing technology or process, or that overcome obstacles to meeting Florida's energy needs in new or innovative ways.

⁵Production Potential: The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.

Minimum (0 points): No production potential or this element of the evaluation criteria was not addressed.

Maximum (16 points): Significant potential for energy production in Florida.

⁶Energy Efficiency: The degree to which a project demonstrates efficient use of energy and material resources.

Minimum (0 points): No consideration for energy efficiency or pollution prevention or this element of the evaluation criteria was not addressed.

Maximum (16 points): Project incorporates energy efficient products and practices including process improvements that lead to source reduction, waste minimization, ~~and~~ on-site recycling, greenhouse gas emission reduction and demonstrates a commitment for implementation of best management practices for water use and/or reclamation.

⁷Fostering Awareness: The degree to which the project fosters overall understanding and appreciation of renewable energy technologies, including but not limited to education/public outreach and level of effort (i.e. within a given community or statewide).

Minimum (0 points): No contribution or this element of the evaluation criteria was not addressed.

Maximum (16 points): Significant potential for outreach activities that provide knowledge on the availability and benefits of renewable energy and energy efficient technologies and the promotion of its development for fostering awareness of renewable energy technologies throughout Florida, as well as integrated with statewide energy campaign efforts.

⁸Project Management: The ability to administer a complete project.

Minimum (0 points): Project team mismatched for tasks identified. No prior management experience on project team. Budget is unrealistic.

Maximum (16 points): Project team has extensive management experience and expertise in the proposed field of study. Budget suited to tasks involved.

⁹Duration & Timelines: Project duration and timeline for expenditures.

Minimum (0 points): Project objectives will not be met and grant funds will not be exhausted within the 3 year grant agreement timeframe.

Maximum (6 points): No difficulty accomplishing project objectives and expending funds within grant agreement timeframe.

¹⁰Location Served: The geographic area in which the project is to be conducted in relation to other projects.

Minimum (0 points): Project duplicates existing efforts in the county or counties in which the project is proposed, minimizing its potential value to the community and state.

Maximum (4 points): Location of project benefits related efforts in the county or counties in which the project is proposed and surrounding areas, creating value for the community and state.

¹¹Public Integration: The degree of public visibility and interaction.

Minimum (0 points): No visibility and interaction with the general public or this element of the evaluation criteria was not addressed.

Maximum (3 4 points): Significant potential for public visibility and interaction.

~~¹²Multiple Technologies: The degree to which a project incorporates multiple renewable energy technologies in the project.~~

~~0 points = One renewable energy technology is used.~~

~~2 points = Two renewable energy technologies are used.~~

~~4 points = Three or more renewable energy technologies are used.~~

(b) The commission's executive director department shall establish a Renewable Energy and Energy Efficient Technologies Grant Selection Advisory Group (RET-SAG) review group of no less than 3 people, who shall each

individually review grant applications, and score each application according to the point system provided in paragraph (6)(a).

(e) Score points from all reviewers within the RET-SAG shall be ranked and averaged as follows:

(7) PRE-PROPOSALS.

~~(a)1-~~ Each reviewer shall rank each eligible pre-proposal application by assigning a ranking number to each eligible pre-proposal application based on the score of the individual pre-proposal application compared to all other pre-proposal application reviewed by that reviewer. For example, the top scored pre-proposal application shall be assigned a ranking number of 1, the second highest scored pre-proposal application shall be assigned a ranking number of 2, the third highest scored pre-proposal application shall be assigned a ranking number of 3, and so on, until all eligible pre-proposal application are ranked.

~~(b)2-~~ After all eligible pre-proposal application are ranked by the individual reviewers, the ranking numbers from all reviewers for each individual pre-proposal application shall be averaged.

(c) The commission's executive director shall develop a list based upon highest averaged ranking and availability of funding, with 1 being the highest ranking. In the instance of a ranking tie between two or more pre-proposals, the applicant proposing the higher percentage of match shall be ranked higher. In the instance of a ranking tie between two or more pre-proposals, and those pre-proposals contain the same percentage of match, the individual scores of the reviewers shall be added, and the pre-proposal with the higher added reviewer scores shall be ranked higher. If there is still a tie, then the pre-proposal submitted earlier in date shall be ranked higher.

(8) FULL PROPOSALS.

(a) The commission's executive director shall extend invitations to applicants to prepare full proposals as follows. Invitations will be extended based upon highest average ranking pre-proposal in the following order; first to the highest ranking pre-proposal, second to the second highest ranked pre-proposal, and so on until the total amount of the fiscal appropriation in each state fiscal year for each grant category is met. The commission's executive director may also extend an invitation to any of the next highest averaged ranking pre-proposals beyond the fiscal appropriation.

(b) Applicants selected to prepare a full proposal shall submit the full proposal pursuant to the guidelines in the RFGP. The RET-SAG shall host a one-day meeting to hear presentations from the applicants submitting full proposals and develop a recommendation for funding. Following the presentations, the same process of evaluation and ranking shall take place as occurred for pre-proposals in paragraph (7).

(9)(7) AWARD.

(a) ~~The commission's executive director will request the top 10 ranked full proposal candidates to present before the commission. The commission's final decision to award grant funding will be based on the proposals' ability to achieve goals consistent with the State of Florida's energy policies. The department shall award grants based upon highest averaged ranking and availability of funding, with 1 being the highest ranking. Grants shall be awarded to the top ranked application first, to the second highest ranked application second, and so on until the total amount of the fiscal appropriation in each state fiscal year is met.~~

~~(b)(a)~~ The maximum amount for an individual award shall be limited to \$2.5 million.

~~(c)(b)~~ The minimum amount for an individual award shall be limited to \$50 thousand.

~~(c)(d)~~ The commission ~~department~~ shall award up to the total amount requested in individual grant applications to the top ranked grant applicants up to the maximum amount allowed under paragraph (3)(e)(7)(a). ~~If funds are not available to award the total amount requested by an applicant due to awards of grants to higher ranked applications, the department~~ The commission may award partial grants to applicants. The total amount of grant awards shall not exceed the up to the amount of the fiscal appropriation remaining in each state fiscal year.

~~(d) In the instance of a ranking tie between two or more applications, the application proposing the higher percentage of match shall be ranked higher. In the instance of a ranking tie between two or more applications, and those applications propose the same percentage of match, the individual scores of the reviewers shall be added, and the application with the higher added reviewer scores shall be ranked higher. If there is still a tie, then the application submitted earlier in date shall be ranked higher.~~

~~(10)(8)~~ ADMINISTRATION.

(a) Grant funds must be awarded through a formal grant agreement negotiated and executed between the commission ~~department~~ and the grant applicant. Either party has the discretion to terminate negotiations if an agreement is not reached within 45 days of announcement of award. If the commission ~~department~~ and the grant applicant are unable to negotiate an agreement, the grant shall not be awarded to that grant applicant.

(b) Grant agreements shall be limited to no longer than three years in duration.

(c) Grant funds shall be distributed as reimbursements to recipients upon receipt of a formal invoice, supporting documentation, and upon commission ~~department~~ grant manager approval for compliance with all requirements of the grant agreement, this rule chapter, and the Florida Statutes.

(d) Invoices shall be submitted by grantees not more frequently than once per month, and not less frequently than once per quarter.

(e) Expenses incurred by a grantee and its project partners for its project after the execution of a formal grant agreement shall be considered as match based upon the requirements of Section 377.804, F.S., and this chapter.

~~(f) The Commission shall have the authority to cancel this agreement because of failure of the grantee to fulfill its obligations under this agreement or any other past or present grant award agreement with the State of Florida. Expenses incurred by a grantee and its project partners for its project between the date of a notice of grant award and execution of formal grant agreement shall be considered as match if the proposed match would meet all requirements of this rule chapter and Chapter 377, F.S., which would be otherwise applicable to an awarded grant, and if the proposed match would not violate any other provisions of the law. The department shall determine, on a case by case basis, whether such expenses qualify for match. Approval of such expenses as match are subject to negotiation of the grant agreement, and prior written approval by the department is required. Consideration as match is not guaranteed.~~

~~(g) Satisfaction of obligations by the grantee shall be determined by the Commission.~~

~~(h) Prior to termination, the Commission shall provide 30 calendar days written notice of its intent to terminate and shall provide the Grantee with the opportunity to consult with the Commission for reason(s) for termination. Notice shall be sufficient if it is delivered to the party personally or mailed to its specified address. In the event of termination of this agreement, the grantee will be compensated for any work completed in accordance with this agreement prior to notification of termination. If the grantee violates any of the provisions of this agreement, the Commission shall have the right to demand the return of moneys delivered and withhold subsequent payments due under this or other grants.~~

Specific Authority 377.6015, 377.804(3) FS. Law Implemented 377.6015, 377.802, 377.804 FS. History—New 10-22-07, Formerly 62-16.300, Amended _____.

27N-1.400 Renewable Energy and Energy-Efficient Technologies Grants Program for Bioenergy.

(1) REQUEST FOR GRANT PROPOSALS.

(a) The Florida Energy and Climate Commission ("Commission") shall issue a request for grant proposals ("RFGP"). The RFGP shall include a copy of the grant application form, instructions for submission of the grant application, and contact information for the commission.

(b) The RFGP shall be issued by publication on the Florida Department of Management Services State Vendor Bid System under MyFlorida MarketPlace, and on the commission's website.

(2) QUALIFIED APPLICANTS. Qualified applicants are those applicants identified in Section 377.804(2), F.S., and State of Florida agencies.

(3) APPLICATIONS. Applications for the Renewable Energy and Energy-Efficient Technologies Grants Program for Bioenergy shall be submitted to the Florida Energy and Climate Commission, ATTN: Renewable Energy and Energy-Efficient Technologies Grants Program for Bioenergy, 600 South Calhoun Street, Holland Building, Suite 251, Tallahassee, FL 32399-0001 as follows:

(a) Six copies of the pre-proposal application shall be submitted in hard copy format, using application Form 27N-1.900(4) which is adopted and incorporated by reference at subsection 27N-1.900(4), F.A.C. One copy of the complete application as well as one copy with all proprietary information redacted shall be submitted in electronic format on compact disc at the same time as the hard copy. Acceptable formats for electronic versions are Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format. Acceptable formats for electronic versions of the signed commitment letters required by Form 27N-1.900(4) from third parties are Adobe PDF; Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format.

(b) If an applicant is selected for the full proposal ranking phase, they will be asked to submit six copies of the full-proposal application shall be submitted in hard copy format, using application Form 27N-1.900(6) which is adopted and incorporated by reference at subsection Form 27N-1.900(6). One copy of the complete application as well as one copy with all proprietary information redacted shall be submitted in electronic format on compact disc at the same time as the hard copy. Acceptable formats for electronic versions are Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format. Acceptable formats for electronic versions of the signed commitment letters required by Form 27N-1.900(6) from third parties are Adobe PDF; Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format.

(c) Applications must be accompanied by an affidavit from the applicant attesting to the accuracy of the statements contained in the application.

(d) Applications must be received by the commission no later than 5:00 p.m. on the date specified by the commission in the RFGP.

(e) The application filing deadline shall be extended by the commission when the commission determines specifically for this grant program that extenuating circumstances exist, such as a hurricane or other natural disaster. Any deadline extension shall apply for all applicants. The commission shall publish

notice of the deadline extension on the Florida Department of Management Services State Vendor Bid System under MyFlorida MarketPlace, and on the commission's website.

(f) For grant requests, the minimum allowable amount for an application to be eligible for consideration for award shall be \$50 thousand, and the maximum allowable amount shall be \$2.5 million.

(g) COMPLETENESS. Any application which does not include all required information may be determined incomplete and ineligible for the award of the grant sought.

(h) An applicant is not eligible for award of a grant if the commission determines that the applicant:

1. Has a pending civil, criminal or administrative action alleging that the applicant has committed violations of Florida Statutes or the rules promulgated thereunder; or

2. Has not satisfied a fine, penalty or other judgment arising out of any civil, criminal or administrative action brought by any governmental agency based upon violation of Florida Statutes or the rules promulgated thereunder.

(4) CRITERIA.

(a) The criteria listed in Section 377.804(6), F.S., shall apply to grants evaluated pursuant that Section.

(b) In addition to the criteria in Section 377.804(6), F.S., grant applications shall be evaluated for the degree to which a project reduces greenhouse gas emissions, minimizes impacts to water resources, results in direct jobs created and has scientific merit based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

(5) MATCHING FUNDS.

(a) For matching funds, the minimum allowable amount for an application to be eligible for consideration for award shall be \$1.00.

(b) All matching funds and other in-kind contributions, including third party in-kind, shall be verifiable from the applicant's and/or its partners' records, and not be included as contributions for any other state-assisted project or program.

(c) Expenses related to a proposed project incurred prior to the award announcement are not eligible as matching funds or in-kind contributions.

(d) State funds are not eligible as matching funds or in-kind contributions.

(6) RANKING.

(a) The commission shall use a point system to score grants. In scoring grants, points shall be awarded as follows:

<u>Criteria</u>	<u>Max Points Possible</u>
<u>Economic Development¹</u>	<u>30</u>
<u>Florida-grown biomass²</u>	<u>30</u>
<u>Energy Efficiency³</u>	<u>20</u>
<u>Fostering Awareness⁴</u>	<u>10</u>
<u>Cost Share Percentage⁵</u>	<u>20</u>
<u>Duration & Timeline⁶</u>	<u>10</u>
<u>Expand Agribusiness⁷</u>	<u>20</u>
<u>Market Potential⁸</u>	<u>10</u>
<u>Scientific Merit⁹</u>	<u>20</u>
<u>Total Numerical Rating</u>	<u>170</u>

¹Economic Development: The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.

Minimum (0 points): Negative contribution or this element of the evaluation criteria was not addressed.

Maximum (30 points for Commercialization projects and 20 points for Research and Development or Demonstration projects): Significant potential for economic development in Florida, including estimate of direct jobs created and the potential duration of said jobs, whether time limited specific to the grant period or potentially on-going beyond the life of the grant.

²Florida Grown Biomass: The project produces bioenergy from Florida grown crops or biomass.

Minimum (0 points): No production potential or this element of the evaluation criteria was not addressed.

Maximum (30 points): Project results in significant bioenergy production from Florida grown biomass resources.

³Energy Efficiency: The degree to which a project demonstrates efficient use of energy and material resources.

Minimum (0 points): No consideration for energy efficiency or pollution prevention or this element of the evaluation criteria was not addressed.

Maximum (20 points): Project incorporates energy efficient products and practices including process improvements that lead to source reduction, waste minimization, on-site recycling, greenhouse gas emission reduction and demonstrates a commitment for implementation of best management practices for water use and/or reclamation.

⁴Fostering Awareness: The degree to which the project fosters overall understanding and appreciation of renewable energy technologies, including but not limited to education/public outreach and level of effort (i.e. within a given community or statewide).

Minimum (0 points): No contribution or this element of the evaluation criteria was not addressed.

Maximum (10 points): Significant potential for outreach activities that provide knowledge on the availability and benefits of renewable energy and energy efficient technologies and the promotion of its development throughout Florida, as well as integrated with statewide energy campaign efforts.

⁵Cost Share Percentage: The availability of matching funds or other in-kind contributions applied to the total project from the applicant.

0 points = \$1.00 up to and including 1% of total project cost.

2 points = Greater than 1% up to and including 10% of total project cost.

4 points = Greater than 10% up to and including 20% of total project cost.

6 points = Greater than 20% up to and including 30% of total project cost.

8 points = Greater than 30% up to and including 40% of total project cost.

10 points = Greater than 40% up to and including 50% of total project cost.

12 points = Greater than 50% up to and including 60% of total project cost.

14 points = Greater than 60% up to and including 70% of total project cost.

16 points = Greater than 70% up to and including 80% of total project cost.

18 points = Greater than 80% up to and including 90% of total project cost.

20 points = Greater than 90% of total project cost.

⁶Duration & Timelines: Project duration and timeline for expenditures.

Minimum (0 points): Project objectives will not be met and grant funds will not be exhausted within the 3 year grant agreement timeframe.

Maximum (10 points): No difficulty accomplishing project objectives and expending funds within grant agreement timeframe.

⁷Expand Agribusiness: The project has a reasonable assurance of enhancing the value of agricultural products or will expand agribusiness in the state.

Minimum (0 points): No contribution or this element of the evaluation criteria was not addressed.

Maximum (20 points): Significant potential for enhancing the value of agricultural products and expanding agribusiness in Florida.

⁸Market Potential: Preliminary market and feasibility research has been conducted by the applicant or others and shows there is a reasonable assurance of a potential market.

Minimum (0 points): No research conducted or this element of the evaluation criteria was not addressed.

Maximum (10 points): Several recent market and feasibility research papers published in reputable trade journals clearly indicating significant market potential for Florida.

⁹Scientific Merit: The extent to which the proposed project has scientific merit based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

Minimum (0 points): No proof of scientific merit or this element of the evaluation criteria was not addressed.

Maximum (20 points): Project demonstrated to be technically feasible and claims are fully supported by scientific community.

(b) The commission's executive director shall establish a Bioenergy Technologies Grant Selection Advisory Group (BIO-SAG) of no less than 3 people. One member of the review group shall be appointed by the Department of Agriculture and Consumer Services. The remaining members of the review group shall be appointed by the commission's executive director. Each reviewer shall individually review grant applications, and score each application according to the point system provided in paragraph (6)(a).

(7) PRE-PROPOSALS. Score points from all reviewers within the BIO-SAG shall be ranked and averaged as follows:

(a) Each reviewer shall rank each eligible pre-proposal by assigning a ranking number to each eligible pre-proposal based on the score of the individual pre-proposal compared to all other pre-proposals reviewed by that reviewer. For example, the top scored pre-proposal shall be assigned a ranking number of 1, the second highest scored pre-proposal shall be assigned a ranking number of 2, the third highest scored pre-proposal shall be assigned a ranking number of 3, and so on, until all eligible pre-proposals are ranked.

(b) After all eligible pre-proposals are ranked by the individual reviewers, the ranking numbers from all reviewers for each individual pre-proposal shall be averaged.

(c) The commission's executive director shall develop a list based upon highest averaged ranking and availability of funding, with 1 being the highest ranking. In the instance of a ranking tie between two or more pre-proposals, the applicant proposing the higher percentage of match shall be ranked higher. In the instance of a ranking tie between two or more pre-proposals, and those pre-proposals contain the same percentage of match, the individual scores of the reviewers shall be added, and the pre-proposal with the higher added reviewer scores shall be ranked higher. If there is still a tie, then the pre-proposal submitted earlier in date shall be ranked higher.

(8) FULL PROPOSALS.

(a) The commission's executive director shall extend invitations to applicants to prepare full proposals as follows. Invitations will be extended based upon highest average

ranking pre-proposal in the following order; first to the highest ranking pre-proposal, second to the second highest ranked pre-proposal, and so on until the total amount of the fiscal appropriation in each state fiscal year for each grant category is met. The commission's executive director may also extend an invitation to any of the next highest averaged ranking pre-proposals beyond the fiscal appropriation.

(b) Applicants selected to prepare a full proposal shall submit the full proposal pursuant to the guidelines in the RFGP. The BIO-SAG shall host a one-day meeting to hear presentations from the applicants submitting full proposals and develop a recommendation for funding. Following the presentations, the same process of evaluation and ranking shall take place as occurred for pre-proposals in subsection (7).

(9) AWARD.

(a) The commission's executive director will request the top 10 ranked full proposal candidates to present before the commission. The commission's final decision to award grant funding will be based on the proposals' ability to achieve goals consistent with the State of Florida's energy policies.

(b) The maximum amount for an individual award shall be limited to \$2.5 million.

(c) The minimum amount for an individual award shall be limited to \$50 thousand.

(d) The commission shall award up to the total amount requested in individual grant applications up to the maximum amount allowed under paragraph (3)(e). The commission may award partial grants to applicants. The total amount of grant awards shall not exceed the fiscal appropriation remaining in each state fiscal year.

(10) ADMINISTRATION.

(a) Grant funds must be awarded through a formal grant agreement negotiated and executed between the commission and the grant applicant. Either party has the discretion to terminate negotiations if an agreement is not reached within 45 days of announcement of award. If the commission and the grant applicant are unable to negotiate an agreement, the grant shall not be awarded to that grant applicant.

(b) Grant agreements shall be limited to no longer than three years in duration.

(c) Grant funds shall be distributed as reimbursements to recipients upon receipt of a formal invoice, supporting documentation, and upon commission grant manager approval for compliance with all requirements of the grant agreement, this rule chapter, and the Florida Statutes.

(d) Invoices shall be submitted by grantees not more frequently than once per month, and not less frequently than once per quarter.

(e) Expenses incurred by a grantee and its project partners for its project after the execution of a formal grant agreement shall be considered as match based upon the requirements of Section 377.804, F.S., and this chapter.

(f) The Commission shall have the authority to cancel this agreement because of failure of the grantee to fulfill its obligations under this agreement or any other past or present grant award agreement with the State of Florida.

(g) Satisfaction of obligations by the grantee shall be determined by the Commission.

(h) Prior to termination, the Commission shall provide 30 calendar days written notice of its intent to terminate and shall provide the Grantee with the opportunity to consult with the Commission for reason(s) for termination. Notice shall be sufficient if it is delivered to the party personally or mailed to its specified address. In the event of termination of this agreement, the grantee will be compensated for any work completed in accordance with this agreement prior to notification of termination. If the grantee violates any of the provisions of this agreement, the Commission shall have the right to demand the return of moneys delivered and withhold subsequent payments due under this or other grants.

Specific Authority 377.6015, 377.806(7) FS. Law Implemented 377.6015, 377.801, 377.802, 377.803, 377.806 FS. History–New

27N-1.500 Solar Energy Systems Incentives Program.

(1) APPLICATION. Applications for rebates pursuant to the Solar Energy Systems Incentives Program, Section 377.806, F.S., shall be submitted to the Florida Energy and Climate Commission, ATTN: Solar Energy System Incentives Program, 600 South Calhoun Street, Holland Building, Suite 251, Tallahassee, FL 32399-0001 ~~Department of Environmental Protection, ATTN: Solar Energy System Incentives Program, Florida Energy Office, 2600 Blair Stone Road, MS 21, Tallahassee, FL 32399-2400~~ as follows:

(a) Applications may ~~shall~~ be submitted in hard copy format, using application Form 27N-1.900(2) ~~62-16.900(2)~~, which is adopted and incorporated by reference. Applications submitted in hardcopy format ~~All applications~~ must be submitted by certified mail or hand delivered to the commission department, and must be received by the commission department no later than 5:00 p.m. on the 90th day after the purchase date of the solar energy equipment. If the 120~~90~~th day after the purchase date of the solar energy equipment falls on a weekend or an observed holiday for which commission department offices have been closed, then the deadline shall be the next business day or,

(b) Applications may be submitted online at the Commission's website, using the online version of application Form 27N-1.900(2). Online applications must be completed no later than 5:00 p.m. on the 120th day after the purchase date of the solar energy equipment. If the 120th day after the purchase date of the solar energy equipment falls on a weekend or an observed holiday for which commission offices have been closed, then the deadline shall be the next business day. Online

applications shall not be deemed completed until the commission receives all of the information requested on the online form.

(c)~~(b)~~ Rebates are limited to one solar photovoltaic system, one solar thermal system, and one solar pool heater per resident. A separate application must be submitted for each rebate.

(d)~~(e)~~ All applications must include the information required on the application form, a photocopy of the original purchase agreement for the equipment and installation of the solar energy system, a copy of the final receipt of payment if different from the original purchase agreement, and a photograph of the installed system. All information provided to the commission department must be legible.

(e)~~(d)~~ The commission department shall review each timely filed application to determine if the application includes all required information.

~~1. An application that is determined to be complete upon initial filing shall be considered for eligibility and placement in the first-come, first-serve order for allocation of rebates based upon the date and time the application is filed.~~

~~1.2.~~ If the commission department determines that the application does not contain all of the required information the commission department shall notify the applicant of the incompleteness of the application. Timely filed applications which do not include all required information shall not be considered as eligible for rebates and shall not receive a position in the first-come, first-serve order for allocation of rebates.

~~2.3.~~ Applicants who are notified of the incompleteness of a timely filed application may file subsequent information in order to make the application complete. Timely filed applications that are initially determined incomplete, but are subsequently determined complete, shall be considered for eligibility for the rebate and placement in the first-come, first-served order for allocation of rebates based upon the date and time the application is determined complete.

(2) ISSUANCE. The commission department shall issue each rebate after the commission department determines that all required information has been provided for each application to make the application complete, provided funds are available to do so.

Specific Authority 377.6015, 377.806(7) FS. Law Implemented 377.6015, 377.801, 377.802, 377.803, 377.806 FS. History–New 10-22-07, Formerly 62-16.500, Amended

27N-1.600 Renewable Energy Technologies Investment Tax Credit.

(1) GENERAL – This rule applies to any taxpayer seeking a tax credit toward corporate income tax pursuant to Section 220.192, F.S., in the amount of the eligible costs as defined in Section 220.192(1)(b), F.S.

(a) This rule does not apply to the tax return filing process regulated by the Florida Department of Revenue (DOR). An applicant seeking a tax credit pursuant to Section 220.192, F.S., shall apply to the Florida Energy and Climate Commission (commission) department using the application process and Form 27N-1.900(3) 62-16.900(2) which is adopted and incorporated by reference. If deemed eligible for a tax credit, the commission department will issue a tax credit certificate to the applicant.

(b) The applicant may use these tax credits by attaching the certificate to its annual tax return filed with the DOR pursuant to rules promulgated by that agency.

(c) The commission department will not disburse any funds in connection with this tax credit program. Credits will not result in the payment of refunds by DOR if total credits exceed the amount of tax owed.

(d) Pursuant to Section 220.192, F.S., tax credits are limited to \$3 million per state fiscal year for all taxpayers in connection with an investment in hydrogen-powered vehicles and hydrogen vehicle fueling stations in the state; \$1.5 million per state fiscal year for all taxpayers in connection with an investment in commercial stationary hydrogen fuel cells in the state; and \$6.5 million per state fiscal year for all taxpayers in connection with an investment in the production, storage, and distribution of biodiesel (B10-B100) and ethanol (E10-E100) in the state.

~~(e) The department shall be responsible for allocating the tax credits and tracking granted tax credits in a fiscal year to ensure that tax credits granted do not exceed the limits provided in Section 220.192, F.S. If an eligible applicant does not receive a tax credit allocation due to an exhaustion of the annual tax credit appropriation, its application shall remain in the first come, first served order in the next year's annual tax credit allocation, if any, based on the date and time of filing the original application.~~

~~(e)(f)~~ Tax credits pursuant to Section 220.192, F.S., are available only for eligible costs incurred during the state fiscal year for which the tax credit application is submitted.

(2) APPLICATION. Applications shall be submitted to the Florida Energy and Climate Commission, ATTN: Renewable Energy Technologies Investment Tax Credit Program, 600 South Calhoun Street, Holland Building, Suite 251, Tallahassee, FL 32399-0001 ~~Department of Environmental Protection, ATTN: Renewable Energy Technologies Investment Tax Credit Program, Florida Energy Office, 2600 Blair Stone Road, MS-19, Tallahassee, FL 32399-2400~~ as follows:

(a) Applications shall be submitted in hard copy format, using application Form 27N-1.900(3) 62-16.900(3), which is adopted and incorporated by reference.

(b) All applications must be submitted by certified mail or hand delivered to the commission department, and must be received by the commission department no later than 5:00 p.m.

on the 15th day following the end of the applicant's tax year. If the 15th day after the end of the applicant's tax year falls on a weekend or federal holiday, then the deadline shall be the next business day.

(c) All applications must include the information required on the application form, and must include all supporting documentation necessary. Supporting documentation shall include all invoices and proof of payment for expenses for which the applicant seeks the tax credit.

(d) Applications must include a completed and signed affidavit (included as part of the application form) from each applicant certifying that all information contained in the application, including all records of costs incurred and paid and claimed in the tax credit application, are true and correct.

(3) ELIGIBILITY. The commission department shall review each timely filed application for completeness and determine eligibility as follows:

(a) The commission department shall review each timely filed application within 15 days of receipt to determine if the application includes all required information. An application package will be deemed "complete" if Form 27N-1.900(3) 62-16.900(3) contains all required information and appropriate signatures and the package includes all necessary supporting documentation.

(b) If the commission department determines that the application does not contain all of the required information to make the application complete, the commission department shall notify the applicant in writing within 15 days of the receipt of the application of the deficiencies indicated by certified mail, unless the applicant requests, and is willing to pay for, alternative express mailing. Applications will not be returned to applicants.

(c) An applicant who is notified of a failure shall not be issued a credit until all required information is provided to the commission department.

(d) Credits shall be allocated on a first-come, first-served basis based upon the date and time complete applications are received by the commission department.

(e) Applications which do not include all required information shall not receive a position in the first-come, first-serve order for allocation of credits.

(f) The commission department will review the tax credit application package submitted by each applicant to verify that the applicant has met the qualifying statutory and rule criteria and has submitted all required documentation. Upon verification that the applicant has met all requirements, the commission department shall issue a determination of eligibility for applied for tax credits within 45 days of the receipt of complete information, subject to the fiscal limitations in Section 220.192, F.S., for the tax year in which the tax credit application is submitted.

Specific Authority 377.6015, 220.192(3) FS. Law Implemented 377.6015, 220.192 FS. History—New 10-22-07, Formerly 62-16.600, Amended _____.

27N-1.900 Forms.

The following forms are adopted and incorporated by reference in this rule chapter. The form is listed by rule number, which is also the form number, and by the subject title and effective date. Copies of the form may be obtained by writing to the Florida Energy and Climate Commission, 600 South Calhoun Street, Holland Building, Suite 251, Tallahassee, FL 32399-0001 ~~Department of Environmental Protection, Florida Energy Office, 2600 Blair Stone Road, MS-19, Tallahassee, FL 32399-2400.~~

(1) Renewable Energy and Energy-Efficient Technologies Grants Program Pre-proposal Application, Form 27N-1.900(1) ~~62-16.900(1)~~ (effective 10/07).

(2) Solar Energy System Incentives Program Application, Form 27N-1.900(2) ~~62-16.900(2)~~.

(3) Renewable Energy Technologies Investment Tax Credit Program Application, Form 27N-1.900(3) ~~62-16.900(3)~~.

(4) Renewable Energy and Energy-Efficient Technologies Grants Program for Bioenergy Pre-proposal Projects Application, Form 27N-1-900(4).

(5) Renewable Energy and Energy-Efficient Technologies Grants Program Full Proposal Application, Form 27N-1.-900(5).

(6) Renewable Energy and Energy-Efficient Technologies Grants Program for Full Proposal Bioenergy Pre-proposal Projects Application, Form 27N-1.900(6).

(7) Green Governments Grant Application, Form 27N-1.900(7).

Specific Authority 220.192(3), 377.6015, 377.804(3), 377.806(7) FS. Law Implemented 377.6015, 377.804, 377.806, 220.192 FS. History—New 10-22-07, Formerly 62-16.900, Amended _____.

EXECUTIVE OFFICE OF THE GOVERNOR

Florida Energy and Climate Commission

RULE NO.: 27N-2.100
 RULE TITLE: Green Government Grants Program
 PURPOSE AND EFFECT: The Commission is initiating rulemaking to adopt Rule 27N-2.100, Florida Administrative Code, implementing the Florida Green Government Grants Act. Funds will be distributed to local governments including municipalities, counties and school districts to aid in the development and implementation of programs that provide cost-efficient energy-related solutions, reduce greenhouse gas emissions, improve quality of life, and strengthen the state’s economy. The proposed rule is a result of the enactment of HB 7135 during the 2008 Regular Session (Chapter No. 2008-227, Laws of Florida).

SUBJECT AREA TO BE ADDRESSED: The subjects expected to be addressed in this rule development include requirements governing the application process, review, award, and administration of grants awarded pursuant to the Florida Green Government Grants Act.

SPECIFIC AUTHORITY: 377.6015, 377.808 FS.

LAW IMPLEMENTED: 377.6015, 377.808 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 20, 2009, 1:00 p.m.

PLACE: Bryant Building, Room 272, 620 S. Meridian Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: April Groover, 600 South Calhoun Street, Suite 251, Tallahassee, Florida 32399-0001, or telephone (850)487-3800. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: April Groover, 600 South Calhoun Street, Suite 251, Tallahassee, Florida 32399-0001, or telephone (850)487-3800

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

27N-2.100 Green Government Grants Program.

INTENT. The intent of this rule is to establish procedures for execution of the Florida Green Government Grants Act. Funds will be distributed to local governments including municipalities, counties and school districts to aid in the development and implementation of programs that provide cost-efficient energy-related solutions, reduce greenhouse gas emissions, improve quality of life, and strengthen the state’s economy.

(1) REQUEST FOR GRANT PROPOSALS.

(a) The Florida Energy and Climate Commission (“Commission”) shall issue a request for grant proposals (“RFGP”). The RFGP shall include a copy of the grant application form, instructions for submission of the grant application, and contact information for the Commission.

(b) The RFGP shall be issued by publication on the Department of Management Services State Vendor Bid System under MyFlorida Marketplace, and on the Commission’s website.

(2) QUALIFIED APPLICANTS. Qualified applicants include local government entities including but not limited to municipalities, counties and school districts.

(3) APPLICATIONS. Applications for the Florida Green Government Grants shall be submitted to the Florida Energy and Climate Commission, ATTN: Florida Green Government Grants, 600 South Calhoun Street, Holland Building, Suite 251, Tallahassee, FL 32399 as follows:

(a) Six copies of the application shall be submitted in hard copy format, using application Form 27N-1.900(7) which is adopted and incorporated by reference at subsection 27N-1.900(7), F.A.C. One copy of the complete application shall be submitted in electronic format on compact disc at the same time as the hard copy. Acceptable formats for electronic versions are Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format. Acceptable formats for electronic versions of the signed commitment letters required by Form 27N-1.900(7) from third parties are Adobe PDF; Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format.

(b) Applications must be accompanied by an affidavit from the applicant validating the statements contained in the application.

(c) Applications must be received by the Commission no later than 5:00 p.m. on the date specified by the Commission in the RFGP.

(d) The application filing deadline shall be extended when the Commission determines specifically for this grant program that extenuating circumstances exist, such as a hurricane or other natural disaster. Any deadline extension shall apply for all applicants. The Department of Management Services shall publish notice of the deadline extension on the State Vendor Bid System under MyFlorida MarketPlace, and on the Department's web site.

(4) PROJECT ELIGIBILITY CRITERIA.

(a) The criteria listed in Section 377.808(3), F.S., shall apply to grants evaluated pursuant to Sections 377.808(1) through 377.808(5), F.S.

(b) Eligible projects must be undertaken in conjunction with a greening government initiative utilizing standards promulgated by the Florida Green Building Coalition, the United States Green Building Council, the Green Building Initiative, the U.S. Environmental Protection Agency, the U.S. Department of Energy, or the ICLEI – Local Governments for Sustainability.

(c) Eligible capital projects must reduce greenhouse gas emissions and be cost-effective, environmentally sound, permissible and implementable.

(d) Eligible projects include but are not limited to:

1. Developing/implementing an energy efficiency and conservation strategy and goals;
2. Retaining technical consultant services to assist in developing an energy efficiency and conservation strategy;
3. Conducting residential and commercial building energy audits;

4. Establishing financial incentive programs for energy efficiency improvements;

5. Providing funds to nonprofit organizations to perform energy audits;

6. Developing/implementing programs to conserve energy used in the transportation sector;

7. Developing/implementing enhanced building codes and inspection services to promote building energy efficiency;

8. Implementing energy distribution technologies;

9. Developing public education programs to increase participation in energy efficiency and sustainability programs, including recycling programs;

10. Purchasing/implementing technologies to reduce and capture methane and other greenhouse gases generated by landfills or similar sources; and

11. Developing, implementing, and installing on or in any government building of onsite renewable energy technology that generates electricity from renewable resources.

(5) MATCHING FUNDS. Recommended match requirements for Florida Green Government Grants are set forth below:

(a) Match ratios are determined according to county population. The following match ratios apply:

<u>Population</u>	<u>State Share</u>	<u>Grantee Share</u>
50,000 or less	100%	0
50,000 to 250,000	75%	25%
> 250,000 ¹	50%	50%

¹Source for county populations

<http://edr.state.fl.us/population/population-1april07.pdf>

(b) Eligible Match Types. A grantee may utilize the following types of match sources for the grantee share:

1. Cash.
2. In-kind service costs.

(c) Ineligible Match Sources. Land value of property acquired through other state and federal grant programs.

(6) RANKING

(a) The Commission shall use a point system to score grants. In scoring grants, points shall be awarded as follows::

<u>Criteria</u>	<u>Maximum Points Possible</u>
<u>Greenhouse Gas Reduction</u>	20
<u>Energy Savings and Efficiency</u>	20
<u>Renewable Energy Production</u>	20
<u>Potential Cost Savings</u>	20
<u>Economic Development Potential</u>	20
<u>Proven Status of the Technology</u>	20
<u>Measurable Results</u>	20

GREEN HOUSE GAS REDUCTION: The degree to which a project reduces greenhouse gas emissions and demonstrates a commitment to implementation of best management practices to enact such reductions.

Minimum (0 points): No consideration for greenhouse gas emission reductions or this element of the evaluation criteria was not addressed.

Maximum (20 points): Project incorporates greenhouse gas reduction technologies and practices that lead to measurable reductions in emissions. Each project's measurement protocol is delineated by the green government standard selected in 4(b).

ENERGY SAVINGS AND EFFICIENCY: The degree to which a project demonstrates efficient use or savings of energy and material resources.

Minimum (0 points): No consideration for energy efficiency or this element of the evaluation criteria was not addressed.

Maximum (20 points): Project incorporates significant energy efficient products and practices including process improvements that lead to increased energy efficiency and resource savings.

RENEWABLE ENERGY PRODUCTION: The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.

Minimum (0 points): No production potential or this element of the evaluation criteria was not addressed.

Maximum (20 points): Project incorporates significant renewable energy production.

POTENTIAL COST SAVINGS: The degree to which a project reduces operating costs to the entity served.

Minimum (0 points): The project does not save costs or this element of the evaluation criteria was not addressed.

Maximum (20 points): The project saves measurable costs such as utility bills, future construction or decreases operation and maintenance costs.

ECONOMIC DEVELOPMENT POTENTIAL: The degree to which the project stimulates capital investment and economic development, including the creation of jobs and the future development of commercial markets.

Minimum (0 points): Negative contribution or this element of the evaluation criteria was not addressed.

Maximum (20 points): Significant potential for economic development in local communities.

PROVEN STATUS OF THE TECHNOLOGY: The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

Minimum (0 points): No proof of feasibility or this element of the evaluation criteria was not addressed.

Maximum (20 points): Project demonstrated to be technically feasible and claims are fully supported.

MEASURABLE RESULTS: The degree to which project benefits are quantifiable and reportable.

Minimum (0 points): Project benefits cannot be quantified and weighed against other projects or this element of the evaluation criteria was not addressed.

Maximum (20 points): Project benefits are quantifiable and success can be measured against a predetermined standard.

(b) The Commission's executive director shall establish a review group Florida Green Government Grant Selection Advisory Group (FGGG-SAG) of no less than 3 people, who shall each individually review grant applications, and score each application according to the point system provided in paragraph (6)(a).

(7) PRE-PROPOSALS. Score points from all reviewers within the FGGG-SAG shall be ranked and averaged as follows:

(a) Each reviewer shall rank each eligible pre-proposal by assigning a ranking number to each eligible pre-proposal based on the score of the individual pre-proposal compared to all other pre-proposals reviewed by that reviewer. For example, the top scored pre-proposal shall be assigned a ranking number of 1, the second highest scored pre-proposal shall be assigned a ranking number of 2, the third highest scored pre-proposal shall be assigned a ranking number of 3, and so on, until all eligible pre-proposals are ranked.

(b) After all eligible pre-proposals are ranked by the individual reviewers, the ranking numbers from all reviewers for each individual pre-proposal shall be averaged.

(c) The commission's executive director shall develop a list based upon highest averaged ranking and availability of funding, with 1 being the highest ranking. In the instance of a ranking tie between two or more pre-proposals, the applicant proposing the higher percentage of match shall be ranked higher. In the instance of a ranking tie between two or more pre-proposals, and those pre-proposals contain the same percentage of match, the individual scores of the reviewers shall be added, and the pre-proposal with the higher added reviewer scores shall be ranked higher. If there is still a tie, then the pre-proposal submitted earlier in date shall be ranked higher.

(8) FULL PROPOSALS.

(a) The commission's executive director shall extend invitations to applicants to prepare full proposals as follows. Invitations will be extended based upon highest average ranking pre-proposal in the following order; first to the highest ranking pre-proposal, second to the second highest ranked pre-proposal, and so on until the total amount of the fiscal appropriation in each state fiscal year for each grant category is met. The commission's executive director may also extend an invitation to any of the next highest averaged ranking pre-proposals beyond the fiscal appropriation.

(b) Applicants selected to prepare a full proposal shall submit the full proposal pursuant to the guidelines in the RFGP. The FGCG-SAG shall host a one-day meeting to hear presentations from the applicants submitting full proposals and develop a recommendation for funding. Following the presentations, the same process of evaluation and ranking shall take place as occurred for pre-proposals in subsection (7).

(9) AWARD.

(a) The commission's executive director will request the top 10 ranked full proposal candidates to present before the commission. The commission's final decision to award grant funding will be based on the proposals' ability to achieve goals consistent with the State of Florida's energy policies. The commission shall award grants based upon highest averaged ranking and availability of funding, with 1 being the highest ranking. Grants shall be awarded to the top ranked application first, to the second highest ranked application second, and so on until the total amount of the fiscal appropriation in each state fiscal year is met.

(b) The commission shall award up to the total amount requested in individual grant applications up to the maximum amount allowed under paragraph (3)(e). The commission may award partial grants to applicants. The total amount of grant awards shall not exceed the fiscal appropriation remaining in each state fiscal year.

(10) PROCUREMENT.

(a) An entity receiving funding under this grant shall issue requests for proposals consistent with competitive procurement policies adopted in that jurisdiction.

(b) The Commission has authority to review procurement procedures and recommend an alternate process if the jurisdiction does not offer a competitive procurement process.

(11) ADMINISTRATION.

(a) Grant funds must be awarded through a formal grant agreement negotiated and executed between the Commission and the grant applicant. Either party has the discretion to terminate negotiations if an agreement is not reached within 45 days of announcement of award. If the Commission and the grant applicant are unable to negotiate an agreement, the grant shall not be awarded to that grant applicant.

(b) Grant agreements shall be limited to no longer than three years in duration.

(c) Each local government is limited to not more than two grant applications during each application period announced by the Commission. However, a local government may not have more than three active projects expending grant funds during any state fiscal year.

(d) Grant funds shall be distributed as reimbursements to recipients upon receipt of a formal invoice, supporting documentation, and upon Commission grant manager approval for compliance with all requirements of the grant agreement, this rule chapter, and the Florida Statutes.

(e) Invoices shall be submitted by grantees not more frequently than once per month, and not less frequently than once per quarter.

(f) Expenses incurred by a grantee and its project partners for its project after the execution of a formal grant agreement shall be considered as match based upon the requirements of Section 377.804, F.S., and this chapter.

(g) Expenses incurred by a grantee and its project partners for its project between the date of a notice of grant award and execution of formal grant agreement shall be considered as match if the proposed match would meet all requirements of this rule chapter and Chapter 377, F.S., which would be otherwise applicable to an awarded grant, and if the proposed match would not violate any other provisions of the law. The Commission shall determine, on a case-by-case basis, whether such expenses qualify for match. Approval of such expenses as match are subject to negotiation of the grant agreement, and prior written approval by the Commission is required. Consideration as match is not guaranteed.

(12) TERMINATION.

(a) The Commission shall have the authority to cancel this agreement because of failure of the grantee to fulfill its obligations under this agreement or any other past or present grant award agreement with the State of Florida.

(b) Satisfaction of obligations by the grantee shall be determined by the Commission.

(c) Notice shall be sufficient if it is delivered to the party personally or mailed to its specified address. In the event of termination of this agreement, the grantee will be compensated for any work completed in accordance with this agreement prior to notification of termination. If the grantee violates any of the provisions of this agreement, the Commission shall have the right to demand the return of moneys delivered and withhold subsequent payments due under this or other grants.

Specific Authority 377.6015, 377.808 FS. Law Implemented 377.6015, 377.808 FS. History—New _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.210
RULE TITLE: Use of Force

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to eliminate language requiring certified officers to use only "fogger type" pepper spray, as streamlined spray poses fewer risks to nearby persons and is more effective in windy conditions.

SUBJECT AREA TO BE ADDRESSED: Security Operations.
SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 776.07, 944.09, 944.35 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.210 Use of Force.

(1) through (15) No change.

(16) Use of Chemical Agents.

(a) through (k) No change.

(1) Issuance of chemical agents.

1. No change.

2. Certified officers assigned to major institutions and posted to internal security, recreation field, shift supervisor posts, or designated as "A" team response members are authorized by the Secretary to be issued one MK-9, or equivalent, ~~fogger-type~~ dispenser of OC in addition to the dispenser issued in accordance with subparagraph (16)(l)1. These officers are authorized to administer the chemical agents listed in this subparagraph in spontaneous disturbance situations involving multiple inmates in locations where large numbers of inmates are present, such as recreation fields, canteen, and meal lines. This option shall only be utilized in disturbance situations rising to the level of inmate involvement where this enhanced option is deemed necessary and shall not be used indoors.

3. No change.

(m) through (q) No change.

(17) through (22) No change.

Specific Authority 944.09 FS. Law Implemented 776.07, 944.09, 944.35 FS. History—New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, 11-7-04, 4-17-05, 8-1-05, 3-2-06, 9-18-06, 10-4-07, 3-3-08, 8-4-08, 1-6-09,_____.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-3.902
 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The purpose of the rule development is to modify forms 40B-3-1, and 40B-3-3, F.A.C., which are respectively State of Florida Permit Application to Construct, Repair, Modify, or Abandon a Well, and Well Completion Report, which is in rule adoption stages with Florida Department of Environmental Protection. The effect of the rule development will adopt the most current version of these forms, and provide consistency by requiring the same forms throughout the State.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will incorporate the most current version of these forms, once the forms are adopted by Florida Department of Environmental Protection.

SPECIFIC AUTHORITY: 120.53, 120.54(14) FS.

LAW IMPLEMENTED: 120.53, 120.54(14) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-4.1090
 RULE TITLE: Publications and Agreements
 Incorporated by Reference

PURPOSE AND EFFECT: The purpose of the rule development is to update this section of Chapter 40B-4, Florida Administrative Code, to adopt the most current version of the items incorporated by reference. The effect of the proposed rule amendments will incorporate the new flood insurance studies for the Suwannee River and its tributaries.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will address items incorporated by reference.

SPECIFIC AUTHORITY: 373.044 FS.

LAW IMPLEMENTED: 373.083, 373.084, 373.085, 373.086, 373.413, 373.416 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.002
 RULE TITLE: Medicaid Provider Reimbursement Schedule

PURPOSE AND EFFECT: Rule 59G-4.002, F.A.C., incorporates by reference the Florida Medicaid Provider Reimbursement Schedule, March 2009. The reimbursement schedule contains the procedure codes and maximum fees that are effective March 2009 for the following provider types whose fees are based on a resource-based relative value scale: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, independent laboratory, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, portable x-ray, registered nurse first assistant, and visual. The effect will be to incorporate by reference in rule the Florida Medicaid Provider Reimbursement Schedule, March 2009.

SUBJECT AREA TO BE ADDRESSED: Medicaid Provider Reimbursement.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906, 409.908 FS.

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

DATE AND TIME: Monday, March 16, 2009, 3:00 p.m.
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ouida Mazzoccoli, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7351, mazzocco@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.002 Medicaid Provider Reimbursement Schedule. Medicaid providers who provide the following services and their billing agents who submit claims on behalf of an enrolled Medicaid provider must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Schedule, March 2009 ~~July 2008~~, which is incorporated by reference: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, independent laboratory, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, portable x-ray, registered nurse first assistant, and visual. The Florida Medicaid Provider Reimbursement Schedule is available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support,

and then on Fee Schedules. Paper copies of the reimbursement schedule may be obtained by calling the Provider Contact Center at (800)298-7799 and selecting Option 7.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.908 FS. History—New 8-18-05, Amended 11-30-05, 4-16-06, 10-11-06, 3-27-07, 7-25-07, 9-29-08,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

PURPOSE AND EFFECT: to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan in accordance with Senate Bill 2-A, 2008-2009 Special Appropriations Act, Specific Appropriation 116.

Effective March 1, 2009, the Agency for Health Care Administration shall implement a recurring methodology in the Title XIX Long-Term Care Reimbursement Plan to reduce individual nursing home rates proportionately until the required savings is achieved.

SUBJECT AREA TO BE ADDRESSED: Nursing Home reimbursement rates effective March 1, 2009.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: March 17, 2009, 9:00 a.m. – 10:00 a.m.
 PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building 3, Conference Room D, Tallahassee, FL 32308
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)414-2759 or by e-mail at stephene@ahca.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.020
 RULE TITLE: Payment Methodology for Inpatient Hospital Services

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan in accordance with Senate Bill 2-A, 2008-2009 Special Appropriations Act, Specific Appropriation 110.

Effective March 1, 2009, the Agency for Health Care Administration shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan to reduce individual hospital rates proportionately until the required savings is achieved. Hospitals that are licensed as a children’s specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent are excluded from this reduction.

Public hospitals, teaching hospitals as defined in Section 408.07(45) or Section 395.805, Florida Statutes, which have seventy or more full-time equivalent resident physicians, designated trauma centers and those hospitals whose Medicaid and charity care days divided by total adjusted days exceeds 25 percent are permitted to buy back the Medicaid inpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their inpatient rates up to actual Medicaid inpatient cost. The Agency shall use the average of 2002, 2003 and 2004 audited DSH data available as of March 1, 2008. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2002, 2003 and 2004 that are available.

SUBJECT AREA TO BE ADDRESSED: March 1, 2009 Inpatient Hospital reimbursement rates.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: March 17, 2009, 10:00 a.m. – 11:00 a.m.

PLACE: 2728 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149-A, Tallahassee, Florida 32308, (850)414-2759 or stephense@ahca.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-6.030

RULE TITLE:
Payment Methodology for Outpatient Hospital Services

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement Plan in accordance with Senate Bill 2-A, 2008-2009 Special Appropriations Act, Specific Appropriation 111.

Effective March 1, 2009, the Agency for Health Care Administration shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan to reduce individual outpatient hospital rates proportionately until the required savings is achieved.

Hospitals that are licensed as a children’s specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent are excluded from this reduction.

The Agency may amend its current facility fees and physician services to allow for payments to hospitals providing primary care to low-income individuals and participating in the Primary Care DSH program in Fiscal Year 2003-2004 provided such hospital implements an emergency room diversion program so that non-emergent patients are triaged to lesser acute settings. Any payments made to qualifying hospitals because of this change shall be contingent on the state share being provided through grants and donations from counties, local governments, public entities, or taxing districts, and federal matching funds.

Public hospitals, teaching hospitals as defined in Section 408.07(45) or Section 395.805, Florida Statutes, which have seventy or more full-time equivalent resident physicians, designated trauma centers and those hospitals whose Medicaid and charity care days divided by total adjusted days exceeds twenty five percent are permitted to buy back the Medicaid outpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their outpatient rates up to actual Medicaid outpatient cost.

The agency shall use the 2002, 2003 and 2004 audited DSH data available as of March 1, 2008. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2002, 2003 and 2004 that are available.

SUBJECT AREA TO BE ADDRESSED: March 1, 2009 Outpatient Hospital reimbursement rates.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: March 17, 2009, 10:00 a.m. – 11:00 a.m.

PLACE: 2728 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149-A, Tallahassee, Florida 32308, (850)414-2759 or stephense@ahca.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.090
RULE TITLE: Payment Methodology for County Health Departments

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to incorporate changes to the Florida Title XIX County Health Department Reimbursement Plan in accordance with Senate Bill 2-A, 2008-09 Special Appropriations Act, Specific Appropriation 114.

Effective March 1, 2009, the Agency for Health Care Administration shall implement a recurring methodology in the Title XIX County Health Department Reimbursement Plan to reduce individual County Health Department rates proportionately until the required savings is achieved.

SUBJECT AREA TO BE ADDRESSED: March 1, 2009 County Health Department reimbursement rates.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: March 17, 2009, 11:00 a.m. – 12:00 Noon
PLACE: 2727 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149-A, Tallahassee, Florida 32308, (850)414-2759 or stephense@ahca.myflorida.com

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: 61G10-15.005
RULE TITLE: Responsible Supervision Control Over Landscape Architectural Practices in the Landscape Architect’s Office

PURPOSE AND EFFECT: The Board proposes to amend the rule to clarify office supervision requirements.

SUBJECT AREA TO BE ADDRESSED: Responsible Supervision Control Over Landscape Architectural Practices in the Landscape Architect’s Office.

SPECIFIC AUTHORITY: 481.306 FS.

LAW IMPLEMENTED: 481.321(3), (5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: 61G10-18.001
RULE TITLE: Continuing Education Credit Requirements

PURPOSE AND EFFECT: The Board proposes to amend the rule for consideration of credit for multiple license holders.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Credit Requirements.

SPECIFIC AUTHORITY: 455.2124, 481.306, 481.313 FS.

LAW IMPLEMENTED: 481.313, 553.841 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita

Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Recreation and Parks

RULE NOS.:	RULE TITLES:
62D-2.013	Park Property and Resources
62D-2.014	Activities and Recreation
62D-2.015	Civil and Criminal Penalties

PURPOSE AND EFFECT: To amend the Chapter 62D-2, F.A.C., Operation of Division Recreation Areas and Facilities. Additionally, to amend the rule as required by SB 192 (2008). SB 192 (2008) states in part "...creating penalties for the violation of rules adopted under Ch. 258, F.S., and for specified activities within the boundaries of a state park; providing for fines to be deposited into the State Park Trust Fund; amending Section 316.212, F.S.; authorizing the operation of a golf cart within a state park under certain circumstances; amending Section 316.2125, F.S.; conforming a cross-reference; amending Section 316.2126, F.S.; authorizing state employees, state park volunteers, and state park visitors to operate golf carts and utility vehicles on public roads within state park boundaries for certain purposes subject to specified conditions." S.B. 192 was designated Ch. 2008-98, Laws of Florida and was effective July 1, 2008.

SUBJECT AREA TO BE ADDRESSED: Chapter 62D-2, F.A.C., Operation of Division Recreation Areas and Facilities as it relates to the requirements of S.B. 192 (2008). Additionally, in an effort to modernize and clearly state the rule, dated or unclear terminology of the rule are to be addressed.

SPECIFIC AUTHORITY: 258.007(2), 258.008(1), (2), (3) FS.
LAW IMPLEMENTED: 258.004, 258.007(2), (3), (4), 258.008(1), (2), (3), 258.017, 258.037, 258.083 FS., Ch. 2008-98, Laws of Florida.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 17, 2009, 6:30 p.m. – 8:30 p.m.

PLACE: Wekiwa Springs State Park, Youth Camp Recreation Hall, 1800 Wekiwa Circle, Apopka, Florida 32712

DATE AND TIME: March 18, 2009, 6:30 p.m. – 8:30 p.m.

PLACE: Marjorie Stoneman Douglas Building, 3900 Commonwealth Boulevard, Conference Room A, Tallahassee, Florida 32399-3000

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 72 hours before the workshop/meeting by contacting: Robert Wilhelm, Bureau Chief, Division of Recreation and Parks, M.S. 535, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000; (850)245-3076; Robert.Wilhelm@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert Wilhelm, Bureau Chief, Division of Recreation and Parks, M.S. 535, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000; (850)245-3076; Robert.Wilhelm@dep.state.fl.us
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.:	RULE TITLE:
64B2-12.014	Supervising Physician Application Fee

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to provide for biennial renewal certification.

SUBJECT AREA TO BE ADDRESSED: Supervising Physician Application Fee.

SPECIFIC AUTHORITY: 460.405, 460.4165(8) FS.

LAW IMPLEMENTED: 460.4165(8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-12.014 Supervising Physician Application Fee.

(1) No change.

(2) The fee for the biennial renewal certification ~~annual application~~ to supervise a certified chiropractic physician's assistant shall be one hundred dollars (\$100.00).

Specific Authority 460.405, 460.4165(8) FS. Law Implemented 460.4165(8) FS. History–New 10-15-92, Formerly 21D-12.014, 61F2-12.014, 59N-12.014, Amended.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: 64B2-12.0155
 RULE TITLE: Fee for Registered Chiropractic Assistants

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate application forms into the rule and to include additional fees in the rule.

SUBJECT AREA TO BE ADDRESSED: Fee for Registered Chiropractic Assistants.

SPECIFIC AUTHORITY: 460.405, 460.4166 FS.

LAW IMPLEMENTED: 460.4166 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-12.0155 Fee for Registered Chiropractic Assistants.

(1) Any person desiring to become a registered chiropractic assistant (RCA) shall make application to the Board on board approved form DH-MQA 1150 (Rev 11/08), Application for Registered Chiropractic Assistant (RCA), which is hereby incorporated by reference, and may be obtained from the Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, accompanied by the required fees.

(2) The initial registration fee for a registered chiropractic assistant shall be \$25.00.

(3) The biennial registration fee for a registered chiropractic physician shall be \$25.00.

(4) Any modification of the supervising chiropractic physician shall be made by application to the Board on board approved form DH-MQA 1162 (Rev 11/08), Application for Registered Chiropractic Assistant to Modify Supervisor (RCA), which is hereby incorporated by reference, and may be obtained from the Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, accompanied by the required fees.

(5) The fee to modify the supervising chiropractic physician for a RCA shall be \$25.00.

Specific Authority 460.405, 460.4166 FS. Law Implemented 460.4166 FS. History–New 9-24-96, Formerly 59N-12.0155, Amended _____.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: 64B2-12.022
 RULE TITLE: Medical Faculty Certificate Fee

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate the Medical Faculty Certificate application form into the rule.

SUBJECT AREA TO BE ADDRESSED: Medical Faculty Certificate Fees.

SPECIFIC AUTHORITY: 456.013(2), 460.405, 460.4062(1), (3) FS.

LAW IMPLEMENTED: 456.013(2), 460.4062(1), (3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-12.022 Medical Faculty Certificate Fees.

(1) Any chiropractic physician desiring to obtain a chiropractic medicine faculty certificate shall make application to the Board on board approved form DH-MQA 1146. (Rev 11/08), Application for Chiropractic Medical Faculty Certificate which is hereby incorporated by reference, and may be obtained from the Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, accompanied by the required fees.

(2)(1) The application fee shall be \$100.00.

(3)(2) The initial license fee shall be \$100.00.

(4)(3) The fee for biennial renewal of a medical faculty certificate shall be \$100.00.

Specific Authority 456.013(2), 460.405, 460.4062(1), (3) FS. Law Implemented 456.013(2), 460.4062(1), (3) FS. History–New 12-4-07, Amended _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-50.003
 RULE TITLE: Delegation of Powers and Duties to Electrolysis Council

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify powers and duties of the Electrolysis Council.

SUBJECT AREA TO BE ADDRESSED: Delegation of Powers and Duties to Electrolysis Council.

SPECIFIC AUTHORITY: 478.43(1) FS.

LAW IMPLEMENTED: 478.43(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-3.014
 RULE TITLE: Graduate From Foreign or Non-NCSBN Jurisdictions

PURPOSE AND EFFECT: The purpose and effect is to revise the rule title and to set forth the minimum education requirements applicable to applicants from non-Board approved nursing programs.

SUBJECT AREA TO BE ADDRESSED: Criteria for Credentialing Agencies.

SPECIFIC AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 456.013(1), 464.008 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-3.014 Graduate From Foreign or Non-NCSBN Jurisdictions Criteria for Credentialing Agencies.

~~In order to be accepted as documentation of the required education, a report must be submitted from a credentialing agency to the Board of Nursing that meets the following criteria:~~

(1) Graduates of foreign nursing programs or nursing programs in jurisdictions which are not members of the National Council of State Boards of Nursing (NCSBN) must submit an evaluation from a credentialing agency approved by the Board.

(2) Approved credentialing agencies must meet the following criteria:

~~(a)(1)~~ The credentialing agency must be a member of a national credentialing organization that sets performance standards for the industry, and must adhere to those standards.

~~(b)(2)~~ The credentialing agency's standards must be monitored by an external committee of credentialing experts and nursing educators.

~~(c)(3)~~ The credentialing agency must demonstrate the ability to accurately analyze academic and licensure credentials in terms of U.S. comparability, with course-by-course analysis for nursing academic records.

~~(d)(4)~~ The credentialing agency must manage the translation of original documents into English.

~~(e)(5)~~ The credentialing agency will inform the Board of Nursing in the event applicant documents are found to be fraudulent.

~~(f)(6)~~ The credentialing agency must have been in the business of evaluating nursing education for a minimum of 10 years.

~~(3)(7)~~ Credentials evaluation report.

~~(a) through (e)~~ No change.

(4) In order for the applicant to meet the educational requirements of Section 464.008, F.S., the credentials report and transcripts must include all courses set forth in Rules 64B9-2.006 and 64B9-2.015, F.A.C., and must demonstrate, at a minimum, the following hours of theoretical and clinical instruction:

(a) Registered nursing programs:

1. 173 theory hours and 504 clinical hours in medical/surgical nursing;

2. 32 theory hours and 87 clinical hours in obstetrical nursing;

3. 32 theory hours and 84 clinical hours in pediatric nursing;

4. 30 theory hours and 51 clinical hours in psychiatric/mental health nursing; and

5. 16 theory hours and 18 clinical hours in community/public health nursing.

(b) Practical nursing programs:

1. 213 theory hours and 438 clinical hours in medical/surgical nursing;

2. 34 theory hours and 46 hours in obstetrics nursing; and

3. 30 theory hours and 42 clinical hours in pediatrics nursing.

Specific Authority 464.006 FS. Law Implemented 456.013(1), 464.008 FS. History-New 4-19-00, Amended 10-22-07,_____.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-6.005 RULE TITLE: Provider Approval and Renewal Procedures

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to adopt new language to clarify the continuing education provider approval and renewal procedures.

SUBJECT AREA TO BE ADDRESSED: Provider approval and renewal procedures.

SPECIFIC AUTHORITY: 456.025(4), 468.361(3) FS.

LAW IMPLEMENTED: 456.025(7), 468.361(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-48.008 RULE TITLE: Monitoring

PURPOSE AND EFFECT: The purpose of the rule amendment is to provide conditions under which new technological methods of monitoring fire alarm signals can be approved by the local authority having jurisdiction.

SUBJECT AREA TO BE ADDRESSED: Alternatives for fire alarm system monitoring.

SPECIFIC AUTHORITY: 633.70(4) FS.

LAW IMPLEMENTED: 633.022(2)(b), 633.70(4), 633.701(5) FS.

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

DATE AND TIME: March 26, 2009, 10:00 a.m.

PLACE: Auditorium, Florida State Fire College, 11655 N.W. Gainesville Rd., Ocala, Florida 34482

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: Belinda Chukes at (850)413-3619. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0329, phone (850)413-3620

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-48.008 Monitoring.

(1) ~~Monitored Automatic emergency forces notification and any type of monitoring~~ of fire alarm signals shall be installed and operate in accordance with the applicable NFPA standards adopted in subsection 69A-3.012(1), F.A.C., and incorporated by reference therein.

(2) Other Transmission Technologies, defined as those transmission technologies that operate on principles not specifically identified prescriptively within NFPA 72, are approvable by the authority having jurisdiction as functionally equivalent alternatives to the requirements of NFPA 72, as long as they provide:

(a) Reliable continuity from the service subscriber location to the monitoring connection;

(b) Functionally equivalent services with respect to:

1. Dialing;
2. Dial plan;
3. Call completion;
4. Carriage of alarm signals and protocols; and
5. Loop voltage treatment;

(c) Real-time transmission of voice signals that carry supported alarm formats unchanged;

(d) Preservation of primary line seizure for alarm signal transmission;

(e) A method of electrical power backup such as a battery that provides a minimum of 8 hours of continued uninterrupted voice service availability to the attached alarm system, and

(f) Disaster Recovery Plans to address individual customer outages and network power restoration procedures. The plans shall be provided to the authority having jurisdiction upon request.

(3)(2) Any company ~~proposing wishing to monitor, de monitoring or is currently monitoring~~ in a fire department's ~~jurisdiction location~~ shall notify the authority having jurisdiction ~~of that location~~. The same authority having jurisdiction shall be verbally notified within 24 hours after discontinuance of monitoring services; written notification must follow ~~when any monitoring is discontinued within 24 hours and follow up that notification by written notification~~.

Specific Authority 633.70(4), ~~633.701(7)~~ FS. Law Implemented ~~633.01(1)~~, 633.022(2)(b), 633.70(4), 633.701(5), ~~(7)~~ FS. History—New 11-16-94, Amended 7-11-01, Formerly 4A-48.008, Amended

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.: RULE TITLES:
 69A-53.0052 Fire Sprinkler Requirements for
 Nursing Homes
 69A-53.0053 State Fire Marshal Nursing Home
 Fire Protection Loan Guarantee
 Program: Application Procedures

PURPOSE AND EFFECT: To extend the date after which no application for participation in the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program can be accepted from June 30, 2006 to July 1, 2009.

SUBJECT AREA TO BE ADDRESSED: Nursing Home Fire Protection Loan Guarantee Program.

SPECIFIC AUTHORITY: 633.01(1), 633.022(1), 633.0245(11) FS.

LAW IMPLEMENTED: 633.022, 633.022(4), 633.024, 633.0245 FS.

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

DATE AND TIME: March 18, 2009, 10:00 a.m.
 PLACE: Third Floor Conference Room, the Atrium Building, 325 John Knox Road, 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: Arlan Davis, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, Tallahassee, Florida, (850)413-3688. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Arlan Davis, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, Tallahassee, Florida, (850)413-3688

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-53.0052 Fire Sprinkler Requirements for Nursing Homes.

(1) Section 633.022(4), F.S., requires that nursing homes licensed under Part II of Chapter 400, F.S., be protected throughout by an approved supervised automatic sprinkler

system in accordance with Chapter Nine (9) of the Florida Edition of NFPA 101, the Life Safety Code adopted in Rule 69A-3.012, F.A.C., no later than December 31, 2010, pursuant to the following schedule:

~~(a) Each hazardous area of each nursing home shall be protected by an approved supervised automatic fire sprinkler system by no later than December 31, 2008.~~

~~(b) Each nursing home, in its entirety, shall be protected by an approved supervised automatic fire sprinkler system by no later than December 31, 2010.~~

(2) The Division may grant a maximum of two one-year extensions to the final date of compliance ~~with paragraphs (1)(a) and (b) above, for the hazardous area portion of the retrofitting project,~~ only after establishing that the nursing home has been prevented from complying for reasons beyond its control. Such reasons may include:

- (a) through (c) No change.
- (3) A request for extension under subsection (2) must:
 - (a) Be received by the Division prior to the expiration of the deadline ~~in question,~~
 - (b) through (c) No change.

Specific Authority 633.01(1), 633.022(1), 633.0245(11) FS. Law Implemented 633.022 FS. History—New 2-18-07, Amended

69A-53.0053 State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program: Application Procedures.

- (1) No change.
- (2) All properly completed applications, which must include acceptable documentation for the conceptual design, for participation in the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program must be received by the State Fire Marshal on or before July 1, 2009 ~~June 30, 2006.~~
- (3) through (9) No change.

Specific Authority 633.01(1), 633.022(1), 633.0245(11) FS. Law Implemented 633.022(4), 633.024, 633.0245 FS. History—New 2-18-07, Amended

FINANCIAL SERVICES COMMISSION

Finance
 RULE NO.: RULE TITLE:
 69V-85.006 Electronic Filing of Forms and Fees
 PURPOSE AND EFFECT: The proposed rule requires the electronic filing of forms and fees through the Office of Financial Regulation’s Regulatory Enforcement and Licensing (REAL) System. This rule pertains to persons required to be licensed under Chapter 520, Florida Statutes, relating to Retail Installment Sales.
 SUBJECT AREA TO BE ADDRESSED: Retail Installment Sales.
 SPECIFIC AUTHORITY: 520.994(5) FS.
 LAW IMPLEMENTED: 520.03, 520.32, 520.52, 520.63, 520.999 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gregory C. Oaks, Chief, Bureau of Regulatory Review – Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-85.006 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, “REAL System” means the Office of Financial Regulation’s Regulatory Enforcement and Licensing System, which is accessible through the Office of Financial Regulation’s website at www.flofr.com.

(2) All forms adopted under Rules 69V-85.002 and 69V-85.003, F.A.C., must be filed with the Office of Financial Regulation through the REAL system.

(3) All fees required to be filed with the Office of Financial Regulation under Rule 69V-85.003, F.A.C., must be filed through the REAL System.

(4) Any person may petition for a waiver of the requirement of electronic filing of any form or fee under Rule Chapter 69V-85, F.A.C., by filing a petition under Rule 28-106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office of Financial Regulation will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.

Specific Authority 520.994(5) FS. Law Implemented 520.03, 520.32, 520.52, 520.63, 520.999 FS. History–New

FINANCIAL SERVICES COMMISSION

Finance

RULE NO.: 69V-160.036
 RULE TITLE: Electronic Filing of Forms and Fees
 PURPOSE AND EFFECT: The proposed rule requires the electronic filing of forms and fees through the Office of Financial Regulation’s Regulatory Enforcement And Licensing (REAL) System. This rule pertains to persons required to be licensed under Chapter 516, Florida Statutes, the Florida Consumer Finance Act.
 SUBJECT AREA TO BE ADDRESSED: Consumer Finance.
 SPECIFIC AUTHORITY: 516.03 FS.
 LAW IMPLEMENTED: 516.03 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gregory C. Oaks, Chief, Bureau of Regulatory Review – Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-160.036 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, “REAL System” means the Office of Financial Regulation’s Regulatory Enforcement and Licensing System, which is accessible through the Office of Financial Regulation’s website at www.flofr.com.

(2) All forms adopted under Rule 69V-160.030, F.A.C., must be filed with the Office of Financial Regulation through the REAL system.

(3) All fees required to be filed with the Office of Financial Regulation under Rules 69V-160.030 and 69V-160.031, F.A.C., must be filed through the REAL System.

(4) Any person may petition for a waiver of the requirement of electronic filing of any form or fee under Rule Chapter 69V-160, F.A.C., by filing a petition under Rule 28-106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office of Financial Regulation will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.

Specific Authority 516.03 FS. Law Implemented 516.03 FS. History–New

**Section II
 Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NO.: 5L-1.003
 RULE TITLE: Shellfish Harvesting Area Standards
 PURPOSE AND EFFECT: This amendment proposes to update the legal descriptions of all shellfish harvesting areas by making minor changes in order to make the legal descriptions easier to read. The simple changes do not require changing the maps, management plans or legal boundaries.